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Jefferson Davis

AT THE AGE OF FORTY-FIVE YEARS

JEFFERSON DAVIS

CONSTITUTIONALIST

HIS LETTERS, PAPERS AND SPEECHES

COLLECTED AND EDITED BY

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JEFFERSON DAVIS, CONSTITUTIONALIST
HIS LETTERS, PAPERS AND SPEECHES

Remarks of Jefferson Davis on the bill to encourage the useful arts. Dec. 19, 1850.

Mr. DAVIS, of Mississippi. At the last session of Congress I stated my objection to the general features of the bill, which was recommitted to the committee, and has been reported back to the Senate, amended to its present form. I am sorry to say my objections have not been removed. The provision in the Constitution, from which we derive our power to legislate upon this subject, is designed to secure to inventors the exclusive use of their inventions. From time to time laws have been enacted in accordance with the object of that grant of power, to protect inventors for a term of years in the exclusive right to their discoveries. To stimulate genius to exertion, and to reward its useful contributions, it is not only proper, but necessary to throw around its labors such legal guards as will protect them from the more shrewd, who would unscrupulously appropriate to themselves the toil of greater minds, by availing themselves of the characteristic negligence of inventive genius. To protect the inventor only to the extent to which he had made his claim, with entire technical accuracy, was early found to be quite insufficient; and even before any provision had been made by law for the correction of a patent by reissue, the courts equitably protected whatever was shown to be truly within the patented invention. Now, by the act of 1836, a mode is provided by which an inventor may protect his patent against infringement by one who should fraudulently seek to take advantage of a technical defect in the description or model on which the patent was granted. This provision experience had shown to be requisite, and it is surely both politic and just to preserve it. Adequate protection has not yet been afforded to patentees, as is plain from the long and fruitless litigation on the most valuable discoveries, but instead of this bill being sufficient to supply that want, I do not think a law could be much better fitted

to take from the inventor the little protection he now enjoys than that which is here submitted. The first section enacts a rule which has long existed in the Patent Office; the second section must be unnecessary; the third section would involve much labor and expense for objects probably useless to the applicants or the Patent Office; the second part of this section is believed to be covered by existing provisions. The fourth section would utterly destroy the kind and equitable provision of the act of 1836 for the reissuing of patents. It is hostile to the object of that act, which was to protect the meritorious inventor; and, connected with subsequent sections of the bill relative to the *scire facias* and the notice required to be publicly given of applications for reissue of patents, would seem to be a law framed not for the protection of the patentee, but for the benefit of infringers of patents. The reissuing of a patent is designed to secure the property of the inventor in that which he has really given to the world, the knowledge, or at least the useful application of which was derived from his specifications, composition, or model. There are provisions in this bill which are as hostile to such reissue as though it were a fraud upon the public, to correct defective specifications. The act of 1836 perhaps does not sufficiently distinguish between a reissue and an addition to a patent; the latter is of little importance, because a new patent would answer as well. It is to the former I have directed my remarks. If any modifications are needed in relation to that, I think it should be changed for the benefit of the inventor, rather than for the impunity of the infringer.

This bill requires that any inventor who wishes to amend his specifications shall give sixty days' notice, and all machines or articles *begun* before the reissue are to be used as though the reissue had not been made, being in fact a distinction in favor of those who have violated the inventor's right, and an invitation to any infringer of the patent to take advantage of this notice, and free himself from future restraint. A patent may be taken out without sufficient specifications to cover all which was invented and shown in the model; and some better informed as to what constitutes a sufficient description, to fulfill the requirements of the law than the inventor, may take advantage of this notice, to the injury of him whom the law should be framed to protect. The sixty days' notice is an invitation to the dishonest to come forward and take advantage of any defect in the specifications. They have only to manufacture the composition, or to get up the machine, or, by way of beginning, to cut a few bolts, or something of that kind, and have the right to use it

ever after. I count as nothing the restriction intended to commence with the date of notice. In many cases it would be worthless, in more ineffectual.

Those who would pirate on a patent, would probably not be restrained by the distinction of before or after notice. Nor do I perceive a moral difference between the two classes of infringers—those who discovered the defect of the patent by examination of the machine, and those who learned it from the notice of the inventor.

As to the *scire facias* provided in this bill, I will only say that, apart from the extraordinary distinction between the patentee and the infringer which is made in the proposed penalty, it seems to be but a harsher mode of executing that feature of the existing law which is considered the most objectionable. On this point I wish to direct the attention of the Senate to the proceedings of a convention of inventors who assembled at New York and prepared a "memorial in relation to the defects of the existing law of patents." They point out as a defect in the law of 1836 that it permits the defendant, in a suit for damages, to put the patent in issue; and that it provided no means by which the validity of a patent might be tested and finally settled by a properly-constituted tribunal. The inventors justly complain that the validity of a patent may be tried in every suit brought for its infringement. They propose that a court shall be established, by the appointment of special judges, to be associated with the circuit judges, for the purpose of trying causes growing out of patents; they also propose a commission to decide on the extension of patents.

In an address delivered by the Hon. John K. Kane before the Franklin Institute of the State of Pennsylvania, he portrays in powerfully descriptive language the utter inability of any ordinary court to examine and try a case involving the question of a patent. He speaks of himself as a member of the bar and of the bench, and treats it as a great mistake to suppose that lawyers and judges are therefore capable of judging of all the arcana of science in which a patent case may be involved. I would much prefer to have a special court established to try all suits growing out of patent cases in which the validity of the patent was put in issue. Such a tribunal would be able to test by a single suit the validity of a patent, and thus settle the question of the inventor's right, and leave him free from harassing disputes, which make him poorer instead of richer by the badly-secured property which he has in his invention.

But, as the Committee on Patents have indicated their views

and the means on which they rely, by presenting as amended this bill, and the Committee on the Judiciary have not, so far as I am informed, proposed to establish such a tribunal for the trial of patent cases as has been alluded to, this preference may be considered unattainable. I therefore, when in order, propose to offer as a substitute for the bill of the committee, one providing, among other things, for regularly-augmenting damages; so that the meritorious inventor, the valid patent, may be better protected, by increasing the penalty for every additional judgment in a suit for damages, progressing as the number of the decisions in favor of the patent. On the other hand, an invalid patent would be restrained by a like progression of damages against the patentee. In this manner litigation may be to some extent limited.

I think the bill we have under consideration cannot be amended so as to answer any valuable purpose, and that it will fail to give to inventors the benefits that ought to be secured to them. The provision to repeal a patent by a single suit should have been preceded by all which could serve to insure a proper decision. As proposed, it is believed that the courts before whom the suits will be brought may, from their habits of thought, the very eminence to which they have attained in their all-absorbing profession; probably will be less qualified to decide the nice questions in natural philosophy which a patent case will often present. I will again remark that it is strange that, in a law amendatory of the act to secure to inventors an exclusive right to their discoveries, there should be a discrimination against them even in suits to maintain that right. Such, however, is surely the case in that feature which makes the decision against a patent repeal it, but if the decision be in favor of the patent, then the patentee may go to the next circuit or State, to answer a like summons by some other trespasser upon his patented right; there to run all the hazards of trying again the merits of his claim to a patent before a court such as is provided, and at a point remote perhaps from models, books, and witnesses necessary to explain and establish the justice of the letters patent he holds.

The court proper for such investigation would be one composed of students of natural science as well as of law; adepts in the mechanic arts; a court permanently organized to try causes originating in questions which involve the validity of patents; a court thus constituted, with inquiries thus specially directed, daily would acquire more exact information in relation to all the subjects which would come before it.

I shall at the earliest proper moment offer a substitute for the bill, unless, which I would greatly prefer, the whole matter can be postponed indefinitely.

Mr. DAVIS, of Mississippi. If my friend from Tennessee had no other object in this bill than to limit litigation and to check fraud, he has been very unfortunate, I think, in its provisions. I will say nothing about the generosity of the Senator, shown in the attempt to make an issue with me upon the capacity and acquirement of lawyers, in a chamber in which nearly every member is of that profession. My remarks did not warrant the attempt. I assail no profession, and would decline to accept that issue, even did I entertain the opinions he ascribes to me, and were the decision to be made by a tribunal differently constituted from this, where nearly all the seats, and an equal proportion of the ability of the chamber belong to that profession.

The remarks I made in relation to the ability of the lawyer, as such, to judge of those nice questions, which are often involved in a patent suit, cannot be escaped from by construing them into a hostile charge against the profession. The opinion advanced by me was derived from the profession—from some of its most distinguished members—from men whose legal and scientific attainments enabled them to grapple with questions requiring both kinds of knowledge, and whose opinions will no doubt be received as authority by most of those who follow the ordinary walks of the legal profession. Judge Story says that the patent laws are the metaphysics of the law. He evidently held that the judges were very poorly able to decide such cases merely by legal knowledge, however great it might be.

But the Senator drew his argument closer and closer upon me, until he thought he had me entirely bound, when, by his last proposition, he reduced me to the alternative of supposing that the Senate was not able to legislate upon this subject. I do not hesitate to tell him that, unaided by the officers of the bureau, or those equally familiar with it, the Senate is, in my opinion, unable wisely to legislate upon the minute details of patents and the Patent Office. I think it would not detract from the Senate, but be acting the part of prudence, to go to those who have special information before legislating upon such subjects. It is a particular branch of knowledge; and, if there be any in this body, they must be very few who are so familiar with it as to be able to legislate upon it with ordinary confidence. I am offering, in this, no reflection on any, of which I do not take an equal share; and am proposing nothing more than is

usual in many other branches of legislation not as intricate as this.

I have said that my opinion as to the necessity of a special court to try patent cases was derived from the bar itself. I have here an address of the Hon. John K. Kane, before the Franklin Institute, at the close of the exhibition of American manufactures in 1849, from which I propose to read an extract. Judge Kane, after stating the history and steady improvement in our patent laws, shows how imperfect they still are, and how much the inventor suffers by them, even as now improved. The extract is to explain the condition in which an inventor is placed when he sues for the violation of his patent and appears before the court:

"Let me explain how this happens. An ingenious man has invented a labor-saving machine, and obtained a patent for it. He has begun to use it himself, and has sold licenses to others. It is a highly useful machine, we will suppose, producing, it may be, an entire revolution in some branch of art; its usefulness universally admitted by the unanimity with which it is adopted among his brother mechanics. It is, in a word, just the sort of invention that confers on society the highest benefit, and for which society is most anxious to reward him abundantly.

"Now, just in proportion as his invention is valuable, just in that proportion is the temptation to defraud him of it. The invention is at once pirated; litigation follows, for his exclusive title is worthless, unless vindicated; and in this litigation, all who have invaded his rights, and all who have an interest in breaking them down, present a combined front against him.

"Libraries are rummaged to find in ancient books dreamy, half-formed, unpractical notions, bearing more or less of the same complexion with the matter of his invention; witnesses come from every quarter to tell of contrivances, like his in all but usefulness, that were once upon a time put together, in some rude imperfect mechanism, in some out of the way place, and then abandoned. Old machines, that were in the Patent Office before it was burnt, come out from their ashes refined, improved, gifted with new vigor, by the imaginative memory of old men when talking of things of the olden time; scientific theorists are called in, (and there are many such, as impracticable as they are honest, who can see nothing new in any new combination of known agents,) to puzzle us with their arguments, and to demonstrate that as the lever, and the pulley, and the inclined plane, and the wedge, and the screw, are the cardinal elements of the patented machine, and as in fact it consists of nothing else, therefore the invention has no novelty, and the patent is void.

"The poor inventor sits all this time in the court room, flushed and fevered, wondering much, and indignant, perhaps, as he hears that the invention, on which he has been wasting his strength and his fortunes for a lifetime, was known to all the world before he began, though no one thought of using it till he took out his patent, and every one uses it now.

"But he has his witnesses also, his books, and his theorists, and peradventure he has been too poor, or too wise, to retain the ownership, of his patent-right, and having sold it out to some corporation or some capitalist, he has become disinterested, and may be a witness himself, to detail in person the story of his invention.

"The story has been told, and his case is now in the hands of his advocates—skillful and conscientious men—who have sought to master the subject, and have succeeded in so far reviving their college recollections of mechanical science as to understand and explain the merits of their client.

"Their first business is to teach the judge his lesson; and this, if we may admit the testimony of the gentlemen of the bar, is not always an easy one. There are few of us, indeed, that hold the judicial place, who must not confess our alienation from all other sciences except our own. The law is a jealous mistress, that tolerates no divided affections or pursuits among those who aspire to her favors.

"But let us suppose this difficulty overcome, and that the judge has succeeded, during his intervals of leisure, as we term the languid intermissions between the exhaustive sessions of his daily court, in studying as many treatises of mechanics as are indispensable to a knowledge of the subject. The next thing is to enlighten the jury, twelve men, gathered by lot from the streets and the by-ways, to render unanimous verdicts upon oath —unlearned men, whose office is to determine and apply scientific truths, when the learned disagree—arbiters of art often without one particle of instruction in its simplest dialect.

"They retire to their jury room, and there, without books to enlighten them, but with an occasional newspaper, perhaps, to lead them astray by some distorted view of the evidence, or some ignorant commentary upon it, they begin their consultations for unanimity, stimulated not a little by the narrow comforts of a closely-locked apartment, their 'parlor, kitchen, and hall,' on the floor of which, when night comes they are permitted to spread their mattresses and dream of that admirable Procrustean device, the boast of Anglo-Saxondom, which claims to expand one conscience and contract another, till they shall coincide. If under circumstances so favorable to a harmonious conclusion of their labors, they obstinately refuse to think alike, they must be discharged at last, and the whole affair, with its witnesses, and books, and theories, its expenses and excitement, is to be

begun over again, and again, and again, until twelve 'sober and judicious men' are found to concur in the same 'true verdict' upon their oaths.

"For the sake of hurrying through this detail of incidents, with which all of us are familiar, let me imagine at once that a verdict has been rendered, that it is in favor of the patent right, and that the judge is so far satisfied with it as to refuse the defendant's motion for a new trial, and that there is besides no legal excuse for submitting the final judgment, by writ of error, to a court of review. The patentee has triumphed in one cause, against one defendant, in one judicial district. Each new defendant, each new cause opens anew the whole question of the originality of his invention; and for each succeeding trial, in each of the thirty-odd judicial districts of the United States, from New Hampshire to Texas, between Cape Cod and San Francisco, the patentee is to come prepared with all his testimony to encounter the same vexations, and abide the same hazard.

"Is this the just and politic reward of inventive talent, for its self-devotion to the public benefit? I have seen men, over and again, who had grown gray in litigation and penury by seeking to vindicate for themselves the rights which the faith of the Government was pledged that they should enjoy. I have known a patent, among the most meritorious that have done honor to our country, which, after the lapse of more than twenty years, had produced nothing to the inventor but barren praise and substantial wretchedness, still continuing to 'hold the word of promise to the ear, and break it to the hope.' "

The Senator from Tennessee will now perceive that this issue is not with me, but with the bar and the bench. This is the address of a lawyer and a judge, whose reputation for scientific and legal attainments would borrow nothing from my eulogium, and who is said to be one of the best informed lawyers in the country upon this particular branch of his profession, patent cases. Let it not be said that he attacks the trial by jury; he was directing his mind to a particular branch of jurisprudence, and in another part of his address he pays a deserved compliment to the trial by jury as a safeguard of popular rights, but connects with it the reason why he did believe that a jury trial was not so favorable to justice in patent cases:

"No one who has studied political history can undervalue the trial by jury as a safeguard of popular rights. But I have not yet found the frank and well practiced jurist who would be content to trust to its arbitrament an issue involving large familiarity with science, acute analysis, or continuous reasonings.

"The metaphysics of social life, which we denominate the law, rarely challenge more refined and intricate discussions than some of the questions which arise under our patent laws. The difficulty which embarrasses the learned in both sciences is found, not in determining upon those abstract truths, which we call fundamental principles, and which to them are always simple, if not obvious—but in selecting out from the mass of such truths, those which apply most directly to the particular case, and then in assigning to each its appropriate share of influence or control—and a weary difficulty it often is even for the best of us. But what must it be for those whose minds have undergone no special training in science—for whom there are no axioms, no starting points in argument, no definitions, no vocabulary, no alphabet even? For we think in words, and cannot begin to reason till we have been instructed in the language of argument."

My friend from South Carolina, [Mr. Butler,] in support of this view, says that Whitney, who patented an invention for taking the seed out of cotton, the staple which now controls the commerce of the world, was once turned out of court by a jury, when he brought a suit for an infringement of his patent. In another part of the address is noticed the long succession of suits which go to test the validity of patents. Each infringement of the patent, in each of the thirty-one States, thirty when he made his address, gives so many opportunities of trying the claim to a patent. The only difference between this bill and the existing law being that this provides that there shall be but one suit at a time. If, then, as is probable, each should take one year, it would make thirty-one years, or three years more than double the length of time for which his patent would run. For this reason, with others I preferred, and still prefer, a special court having exclusive power to try the validity of a patent, the decision of which, should be conclusive on that point in all suits arising in the circuit courts, so that those courts should only try the question of the infringement of the patent.

I do not propose now to debate this question further. I intended to show the Senator, that in making an issue with me as one who assailed either the bar or the bench, he was mistaken. The authority of Justice Story and Judge Kane certainly sustain me in the position I took; he must dispose of them first; he must show me that my teachers were wrong; he will not easily convince the Senate that *they* were prejudiced against the legal profession.

Remarks of Jefferson Davis on bill to remit the duties and make free the navigation of the Louisville and Portland Canal. Dec. 23, 1850.

A BILL to remit the tolls on the United States stock in the Louisville and Portland Canal Company, and to purchase the shares of individual stockholders, and to make the navigation of said canal free.

Be it enacted, &c., That the tolls accruing on two thousand nine hundred and two shares of United States stock in the Louisville and Portland Canal Company shall be remitted in favor of all boats on which the same shall accrue, and no collection shall be made thereof.

SEC. 2. *And be it further enacted,* That the Secretary of the Treasury be, and he hereby is, authorized and directed to purchase for the United States, at such fair and equitable price as he shall agree upon, the remains due of the stock held by individuals in the said canal company; and the sum of three hundred and ninety thousand dollars is appropriated out of any money in the Treasury not otherwise appropriated to defray the expense of such purchase; and upon every share so purchased the collections of tolls shall immediately cease, and the amount thereof be remitted in favor of the boats on which the same accrued.

SEC. 3. *And be it further enacted,* That, immediately on completing the purchase for the United States of the remaining stock held by individuals in said canal company, the Secretary of the Treasury of the United States shall demand and receive from the directors of said company a transfer of all the shares therein which shall have been purchased in trust for the United States, under the act of the General Assembly of Kentucky of February 21, 1842, amendatory of the charter of said canal company; and thereafter no other or higher tolls shall ever be collected on boats or craft passing said canal than shall be sufficient to keep the same in repair, and pay all necessary superintendence, custody, and expenses; and a report of the rate of tolls so imposed, and of the amount collected, and a detailed report of the expenditures for repairs, and superintendence, custody, and expenses, and of the boats passing the same, shall be annually, on the first day of January by him laid before Congress.

SEC. 4. *And be it further enacted,* That within ninety days after the passage of this act, the whole of the stock in said canal, purchased in trust to the United States, shall be transferred to her, and if the whole remaining stock held by individuals shall not be sold to the United States, then an immediate remission shall be made of all tolls accruing, and as

much of the stock so purchased in trust as shall have been purchased with the money arising from dividends belonging to the United States; and the Secretary of the Treasury shall forthwith cause all the stock so held or acquired to be fully voted upon, and the tolls to be reduced to —— amount necessary for the repairs, preservation, and management of the canal.

Mr. DAVIS, of Mississippi. Of course I do not propose to object to the leave asked by the Senator to introduce his bill, nor to discuss the bill on this occasion. But one or two remarks which he made require a brief reply. Though not connected with the subject of the bill, the Senator has made an argument against the coast survey. He claims that its present organization is based on an assumption, a bare assumption, that the Navy is not able to do the work required for the coast survey. It is no assumption—it is the result of experience. The coast survey was originally under the control of the Treasury Department. It was turned over to the Navy Department, and broke down in its hands. It has since been restored to the Treasury Department, under the administration of which it has become a work honorable to this country and admired in others.

Sir, the coast survey is not merely a hydrographical work. Indeed the kind of work which it performs would incline me to believe that, if it were to be transferred to another department, it should be to the Army and not to the Navy—the topographical being more important that the hydrographical part of the work. Nor is it for commerce alone that the coast is surveyed. It is essentially necessary for national defence that we should have accurate charts of our coast, and that we should have them made upon great principles, which will determine even future changes, as far as the wisdom of man is capable of doing so.

But a word or two in relation to this canal. Some five years ago, in the House of Representatives, a member, then from the State of Kentucky, made the same proposition now submitted by the Senator from Missouri. I objected to it then upon the ground that I could see no great difference between that proposition and a proposition to construct a canal within the limits of a State. I objected to it further, because the proceeds which were said to accrue to the United States I found were invested in stock in the canal. The dividends which the Federal Government should have received being invested in stock, by direction of the company in whose hands was the exclusive control, it was apparent, however objectionable it might

be to the Government, that these processes steadily going on, would soon exhaust the stock of individuals and leave the canal in the hands of the Government of the United States.

I then proposed to that member that all the stock owned by the United States in that canal should be surrendered to the company, upon condition that the tolls of the canal should be reduced in proportion to the reduction made in the capital stock by the Federal Government surrendering its shares. He refused to accede to the proposition.

If the United States can buy a canal they can certainly build one. Then, with more zeal than now, it might be argued that the canal is insufficient for the commerce of the river. The Government would be called upon to widen the canal, to increase the size of locks, to deepen it, and other things desirable. After all that should be done, it would devolve upon the Government to keep up an establishment of officers within the State of Kentucky and keep the canal in repair. I much prefer that this work within the limits of Kentucky should belong to that State. The officers on the canal should be appointed by the State. This bill presents another means of multiplying Federal officers and stretching the influence of the Federal Government still further over the States. I object to it for that reason.

I have no doubt also that the work would be more economically improved by the company than by the Federal Government. I hold that if the Federal Government were to construct any work to overcome the Falls of the Ohio, it should be constructed upon the great national highway, upon the river itself, and not within the jurisdiction of a State. It seems to me that the objection entertained from the time this question was first brought to my notice, is good and valid to the bill now proposed.

Leave to introduce the bill was then granted. It was read a first and second time by its title, and referred, with some papers in relation to the matter, to the Committee on Roads and Canals.

Jefferson Davis to Mrs. Davis.[1]

(From Library of Congress Manuscripts Division.)

Dear Wife, you will perceive by the enclosed, sent to me here, by change of direction at the Post office, that some difficulty has

[1] Davis, Varina Ann Jefferson (1826-1906), second wife of Jefferson Davis and daughter of William B. Howell, was born May 7, 1826, at Vicksburg, Miss. She was married to Jefferson Davis, February 26, 1845, at the home of her parents, near Natchez. To them were born five children:

been found in forwarding to you a box—I do not know what boat lands now or I would send instructions to the writer. Laughlin's conduct at this distance looks worse as it is opened to view.

With kiss to my Winnie and love to all, I am though absent, present and ever lovingly Your Husband.
27th Dec. 1850.

Remarks of Jefferson Davis in regard to the conduct of the Indiana regiment at the Battle of Buena Vista. Jan. 6, 1851.

Mr. DAVIS, of Mississippi. Will the Senator allow me to explain for one moment? I have been anxious, Mr. President, to avoid any participation in this controversy, not only now, but at all former times. I have refused on two occasions, when called upon, to enter into this controversy, which has grown up since the return of these troops, or to write or to say anything on the subject. In doing this I acted in accordance with that temper which the Senator has properly said was manifested by General Taylor. From the day of that unfortunate occurrence he strove always to suppress remarks in relation to it. It is within my knowledge that, so far as he had conversed with subordinate officers, he indicated to them the policy of saying as little of that unfortunate transaction as was necessary to make a full report of what had occurred.

When I used the word "fragment," I meant a very small fragment. I saw assembled under an officer, whom I took from his uniform to be a lieutenant, about twenty men. I understood some others were scattered in the files of the Mississippi regiment. I think Colonel Bowles told me the whole number with him was thirty-five. He came to me and pointed out the number I have mentioned as the aggregate under the lieutenant—about twenty—and with very deep feeling, almost bursting into tears, said, "my regiment has run away; there is all I have left; and I wish permission to fight with your regiment." The others who were spoken of as having returned, if they joined me at all—and of that I had no personal knowledge—must have returned with the third Indiana regiment.

Samuel, Margaret, William Howell, Jefferson and Winnie. Winnie, the youngest, was born in Richmond, June 27, 1864, and was known throughout her life as the Daughter of the Confederacy. Margaret, who married J. Addison Hayes, was the only child that survived the mother. Mrs. Davis removed to New York after her husband's death and became prominent as a contributor to current periodicals. In 1890 she published: "Jefferson Davis, Ex-President of the Confederate States of America, a Memoir." 2 vols., 1638 pp., New York. She died in New York, May 7, 1906.

And here I will say that it was not until that court of inquiry assembled that I heard any claim was set up for so large a number as one hundred and fifty or two hundred having returned. If they returned and joined me at all, I have no knowledge of any occasion when that could have occurred, except when the third Indiana regiment came up, and that was after the severe combat between the Mississippi regiment and the troops pursuing the second Indiana regiment had terminated. That combat was fought with no other aid than the small "fragment" alluded to in my report—not more than thirty-five, as the colonel said; I saw but about twenty.

Jefferson Davis to Major A. Mordicai.[1]

(From Pennsylvania Historical Society Collections.)

Senate Chamber
22d. Jany 1851

Dr Sir:

I should have fulfilled my wish by a visit to the Arsenal but for the absence of Mr. Mason

He is still absent. When he returns I will propose to him to go to the Arsenal and when we agree on a time will communicate further with you

Truly yours,
Jeffn. Davis

Maj. A. Mordicai.

Remarks of Jefferson Davis concerning the Smithsonian Institution. Jan. 30, 1851.

SMITHSONIAN INSTITUTION.

The Senate proceeded to consider the following resolution, submitted by Mr. WALKER on the 28th instant:

Resolved, That the Board of Regents of the Smithsonian Institution be directed to inform the Senate why the 6th section of the act entitled "An act to establish the Smithsonian Institution, for the increase and diffusion of knowledge among men," has not been complied with by making suitable arrangements for the reception of the "objects of art," &c., named in said section.

[1] Was graduated at West Point in the class of 1823. In command of the Washington, D. C., Arsenal at the time of this letter.

Mr. DAVIS, of Mississippi. I hope that the resolution will not be favorably entertained by the Senate. The Smithsonian Institution is not a department of the Government, and I hope Congress will never undertake to take charge of it. This is a call upon the Board of Regents to explain to us something in connection with the execution of their duty. If it were a proper and a well-founded call, I should still think it improper for Congress to interfere with the administration of a fund which it has confided to a Board of Regents not entirely formed of members of Congress, and not responsible to it. An examination of the charter would have shown the Senator who introduced the resolution that there was no obligation on the Smithsonian Institution to receive the museum, which I suppose is the matter referred to, but that, on the other hand, it was considered a grant which the Government was willing to make in a friendly spirit, of objects of art and curiosity, whenever the Institution should appoint some person to receive them. It is obligatory to deliver, but not to receive. In some other countries there is a courtesy between the king and his ministers, that a minister shall never refuse a present. In Siam, whenever the king wishes to crush a minister he sends him the present of an elephant. The minister cannot refuse the present because it comes from the king, but the expense of keeping the present crushes the minister. It is exactly such a present that the Senator from Wisconsin wishes to force the Smithsonian Institution to receive. It is a present the charge of which would deduct very greatly from the means of the Institution to carry out the purposes of its donor—a foreigner who gave a fund for a special object enumerated in his will.

If it were in the power of this Government to charge the Smithsonian Institution with the keeping of this museum, I should deem it more than improper in the Government to transfer an extensive collection which it holds, and fasten the charge of maintaining it upon the fund given by a foreigner for the increase and diffusion of knowledge among men, and the establishment of an institution for that purpose, to be located at the city of Washington, in the United States. But it is clearly not within the power of Congress to charge that fund with the keeping up of any establishment which the Government may choose either to create, or which it may now have in its possession, and which would pervert the trust from its proper use.

If the Senator had examined the charter he would have found still further that in the kindness which prevailed, and the anticipation of a good understanding between that institution

and Congress, terms so general were employed, that a power was given to the institution to strip the Rotunda of the paintings which now adorn it, to take the models from the Patent Office, not merely the museum which is collected as the result of exploring expeditions, but, everything which that institution, if they claim the strict letter of the law, might choose to abstract from the various Departments of the Government. But, without going into this question, I wish to call the attention of the Senate to the fact that here is an institution founded by the bequest of a foreigner, of which bequest the United States, properly or improperly, I will not now stop to consider, have taken charge as trustee, and to administer which fund they have organized a Board of Regents. Its active operations have already been incumbered by the Congress of the United States requiring them to erect an expensive building, with apartments for a museum and gallery of art. Now it is proposed to incumber them still further, by charging them with keeping a large museum of the United States, with which that institution has no proper connection. It is no part of the general plan of that institution to collect a large museum. The object is, according to the will of the founder, to increase and diffuse knowledge among men. They, therefore, only wish to collect those things which are not to be found in the other museums of the country. They only wish to explore fields which have not been trodden before.

The object of the Senator from Wisconsin—the effect of his construction if sustained—is to cripple that fund in the very object for which it was given, encumber it with the keeping of a great collection of art which now belongs to the United States. I do hope that the Senate will reject the resolution.

Mr. DAVIS, of Mississippi. I shall consume but very little time. Having made as much explanation as I thought was due to the occasion in relation to the supposition by the Senator from Wisconsin of a personal or offensive application of what I said, I have nothing more to say on that point.

The object of the Senator, as directed to the benefit of the inventors of the country by providing a proper room for the exhibition of the models of their inventions, is one in which I very cordially sympathize. The Committee on Public Buildings have already had that subject somewhat under consideration. I know quite well that the models in the Patent Office are in such a confused condition as not to comply with the terms of the law. The great gallery intended for the exhibition of models is now occupied by the museum which has been

referred to. The present building, however, was built by money drawn from the United States Treasury, and may be occupied for that purpose. The wing, which is being added and built out of the patent fund, is clearly a building which should be for the use of the Patent Office, and I hope it will not be transferred to any other use. I sympathize with the object of the Senator in giving proper accommodations to the models in the Patent Office, and reserving for the use of that office the building which is being erected out of the patent fund. So far we go together.

I take it for granted, from the object of the Smithsonian Institution, and from the plan on which its operations have been commenced and will be conducted, that it will never want such a museum as that in the Patent Office; still less will it want the garden of plants which has been collected by the Exploring Expedition. I suppose it would cost the institution not less than $10,000 a year to support such an establishment; and if it were transferred, Congress, I think, would be bound to endow the institution with $10,000 a year additional. I think it is quite appropriate to keep these natural curiosities in the Patent Office. They may aid inventive genius. Vegetable growth and animal action are elements upon which mechanical invention rests. There would therefore seem to be something appropriate in lodging them in the Patent Office. If they are not to be kept there, let the Government provide a room elsewhere, get rid of them, destroy them, or give them to somebody that will take them. But let not the Government coerce a fund, of which it was the chosen trustee, which was granted by a foreigner for a special purpose, with the charge of keeping this collection.

Mr. BADGER. I move to lay the resolution on the table.

Remarks of Jefferson Davis on the bill granting land to the indigent insane. Feb. 11, 1851.

Mr. DAVIS, of Mississippi. I do not propose to enter into an argument founded upon a supposed rivalry between the new and the old States, and as little to review the argument which has been offered as to whether this measure will result beneficially to the new States or not. The vote I shall give depends upon other considerations than these. Nor will I answer the argument of the Senator from Georgia, in which he eloquently described the obligations of humanity and charity, because I do not consider our Government as one founded for great eleemosynary purposes. We have already been far diverted

from the original object of this Government; and from year to year we are getting yet further from the purposes for which it was ordained and established. This Government was established as the agent of the States in their foreign relations, and as an umpire between the States in their relations one to another, not to dispense charities to the indigent, nor to establish workhouses or houses of correction for the vicious within the States. These objects were all left to the sovereign States in which they resided before the Union was formed. There they remain, now, with other kindred duties and powers, save when they have been removed by that grasping usurpation which the hand of the Federal Government has constantly stretched over the weaker power of the States. If we have the power to grant charities to one class of the community who may be suffering, why not to another? If to the lunatic, why not to the blind? If to the blind, why not to the deaf and dumb, and to the whole range of paupers whose provision is now confided to the communities to which they belong?

It is but a mere subterfuge to say that we do not appropriate money, but grant lands for that purpose. We have no more right to grant lands than we have to grant money for the purpose. These lands were surrendered to the Federal Government as a common fund for common purposes of all the States; and he who will refer to the history of the original grant to the Federal Government of the power to dispose of public lands belonging to the States, will find it was not for the purpose of giving to this Government a fund from which it should dispense charities to the indigent or to be diverted to any other purpose than of placing money in the Treasury. The grants made to the States for the purposes within those States should always have been limited to such cases as those in which a proprietor might have made a grant. In other words, they should never have been given, save where the grant would benefit United States through its Treasury. On some occasions I have voted for such grants, but always with that rule before me as a limitation.

I have heard, time and again, the argument that the old States had an equal right with the new States to the public lands. Who denies it? I do not, for one. This public domain is the property of all the States. I would not rob the old States in order to benefit the new States. Congress should watch over the public domain as a great proprietor, and now especially should recur to the object and purpose of the grant by which they became the proprietor.

Mr. President, this is an object which I know appeals to the sympathies of every Senator, and I may say of every citizen of the United States. The sufferings of the indigent insane arrest the attention and command the warmest sympathies of every one. Too much credit cannot be given to the lady at whose solicitation this bill was introduced. But we should remember that we are here under delegated powers, to dispense justice and not to answer to our feelings. We are but agents with limited powers, and bound to execute those powers strictly according to the grant. These are the considerations which will induce me to vote against the bill. I look not at the question whether the old States or the new States will be benefited by it, nor whether any particular State will gain or lose by the grant. But I oppose it on the principles of the Constitution, which alone gives us power to legislate.

Mr. DAVIS, of Mississippi. My friend from Arkansas agrees with me in the general principles, but he thinks this bill comes within the rule by which we are both governed. He thinks this is a case in which a grant of land will result to the benefit of the proprietor; but I always mean the palpable, the direct, not the doubtful and remote benefit: such benefit as an individual would recognize in his own case. I would ask my friend from Arkansas, how he expects that the establishment and endowment of a lunatic asylum in Connecticut can benefit the Treasury or increase the value of lands in Arkansas? If he cannot show that, then he cannot bring the case within the rule, because the rule requires that the land shall be granted for a purpose which would enhance the value of contiguous lands and result in benefit to the Treasury.

But the Senator says it is his purpose to divest the United States of their territory within the States in order that the States may be actually sovereign over the domain within them. Very good. It may be a proper object, but it is not to be obtained thus, with any propriety, in my opinion. We lately had among us one whose wisdom was only equalled by the elevation and purity of his character, on whose mind experience, and intensity of feeling and of thought, had shed more of prophetic light than I have ever found in any other individual. He once adorned this Senate and occupied this seat. [Pointing to the seat occupied by the late Mr. Calhoun.] He was known as the very embodiment of the doctrine of strict construction of the Constitution. He never could have proposed to distribute the lands among the States. He did propose, however, to make the States agents for the sale of the public

lands, by surrendering the public lands to them and requiring them to pay a certain percentage of the net proceeds into the Treasury of the United States. One of the objects which he had in view was to remove all possibility of a collision between the Federal Government and the States, growing out of this tenure of the domain, and which he thought likely at some future day might produce collision between the Federal Government and the States. At the time that proposition was presented I believed it the soundest ever made in relation to our public lands. I would be glad to see it adopted now. I would be glad to see all the public lands turned over to the States in which they lie, those States being under obligations to dispose of them according to the rules and regulations laid down by the United States, and to pay into the Treasury a certain percentage of the net proceeds. That is a very different proposition, I think, from the one referred to by the Senator for the distribution of the land among the States.

I recollect very well, though it has been many years since, that the Senator from Kentucky [Mr. CLAY] claimed that the public lands of the United States should be held as a sacred fund given for a special purpose, that it should be husbanded and not squandered like the profligate who would squander his patrimony before it had yet come into his possession. It is a question how much we can reserve; whether we shall not observe the principles which have heretofore governed us, or whether we shall by this precedent boldly abandon them. We have other propositions before the Senate, and if they be adopted, there will be nothing of this great patrimony left to the Federal Government—one of them being a proposition to make the immense number of land warrants which we have granted assignable. This will throw the whole body of the lands thus granted into the market at once, suspend the sales of the United States, and keep the land officers engaged in the issuing of land certificates in exchange for bounty warrants. I refer to it, though not connected with this subject, as one of the many instances in which we are hastening on to squander our patrimony, the public lands. I do not think that this is a bill which comes within the rule of conduct by which the Senator says he and I, as strict constructionists of the Constitution, should be governed.

Mr. DAVIS, of Mississippi. If the argument of the Senator from Maryland is to obtain, it follows that the Constitution has been repealed so far as the public lands are concerned, and that we in the disposal of them are turned loose without any restriction or limitation to the full indulgence of our sympathies and

liberalities. He says he will be no longer fettered by these restraints. I am still bound by them, and if I had broken them ninety-nine times I would yet forbear the hundredth.

As to the grants that have been made to the new States for educational purposes, the Senator forgets that these grants were made for a consideration. That those States surrendered the right to tax the domain while it belonged to the United States and for five years after its sale. These are the considerations that entitle the new States to the grants which have been made for educational purposes, and a percentage on the sales made within their limits. It is not a bounty by any means. It is a contract, and a very hard contract to the new States, by which they lose much more than they get.

There have been some grants made for strictly eleemosynary purposes. The Senator mentioned two. I believe there have been three. In each case, however, I hold that we have departed from the grant of power under which we act. Because it has been done heretofore it does not follow it shall be done hereafter; yet such is the conclusion at which the Senator must arrive from his argument. I never advocated a grant of land for "great national" objects, which means in practice objects for which a congressional majority will vote. I never proposed to grant lands for any other considerations than those connected with the grant itself, which have brought it strictly within the rule of a grant inuring to the benefit of the Government. If a grant were for great national objects it might follow that it had no connection with the locality of the land. A grant may be made of lands in Wisconsin, which the Senator before me [Mr. WALKER] so carefully guards, for the purpose of widening and deepening the entrance to the harbor of Baltimore, or for paving the landing of some other harbor on the sea-shore.

It is exactly because of the strict limitation in regard to time and locality, which has been considered the rule heretofore, and which I think should be closely adhered to, that I have been willing to make any grant. It is this double limitation of space and time that would probably prevent the grants thus made from becoming a great incumbrance on the Treasury, even if they were improperly made; but if properly made they would always redound to the benefit of the Treasury and to the Government of the United States.

Mr. PEARCE. I beg leave to say that although the grant of the sixteenth section in every township to the new States, and the percentage which they have received from the proceeds of the sale of the public lands, should be considered as having

been given for a consideration which the Senator has mentioned, that consideration does not apply to the innumerable grants of a different character which have been made. There was no such consideration, for example, for granting a township to Kentucky and one to Connecticut, or making grants of land in Tuscarawas county, Ohio, or a grant of her waste or unsold lands to Tennessee, on condition that she should apply forty thousand dollars to the establishment of a college. There has been a great number of cases in which we have made grants not all in fulfillment of any contract of that sort.

Mr. DAVIS, of Mississippi. I admit that two grants have been made for eleemosynary purposes, one in Connecticut and the other in Kentucky. But if the Senator will recur to the history of Tennessee he will find that there are many reasons for that grant, to which he refers, which will not apply to one of this character.

Remarks of Jefferson Davis on the joint resolution to confer the title of lieutenant-general by brevet on Major General Scott. Feb. 12, 1851.

Mr. DAVIS, of Mississippi. I am sorry that the manner in which the debate on this resolution has been conducted has diverted the attention of the Senate from the subject of the resolution to personal considerations. The Senator from Illinois, however, has spoken somewhat to the merits of the resolution; and the two main arguments which he has presented constitute, I think, two objections to it. He first argues that the resolution is a proposition to pay a compliment to an individual. Have we come to this? Are offices to be created as rewards to individuals to gratify their just pride, if you please, following the system of orders, stars, and garters given by monarchs? His argument was, that a grade should be created above the ordinary officers of the army, to be filled in time of war by the selection of the President, from the whole country at large; that is, that the President, when war breaks out, may hunt through the land for some favorite on whom to confer the chief command, and thus bring shame on the brow of every war-worn soldier of his country. That is the proposition of the Senator, and is the probable effect of the resolution. It is proposed to create an additional grade in the army, and to authorize the President to fill it by brevet only, conferred for meritorious services. When a war breaks out the President will appoint, by regular commission, to the grade created but left vacant, whomsoever he may

prefer. These are some of the objections that stand in the foreground, and I expected them to be noticed as such. For myself, I should have preferred to say nothing on the resolution; but I could not hear in silence this policy brought forward as an argument in favor of the resolution.

Mr. President, among other considerations which have been adduced, this matter has been treated as a personal compliment. The resolution certainly points to no one. Yet it has been treated as applying to a particular general. We have heard the argument that there should be indemnity for wrong done by our late distinguished president, Mr. Polk. We have had a parallel run which would place this general above all other generals, the Father of his country included. The Senator from New York [Mr. SEWARD] points to the services of General Scott as unparalleled in military history. He means then, not only the history of our own, but the history of all other times. It is enough for me that his language includes Washington. The Senator from Kentucky [Mr. CLAY] calls him "the conqueror of Mexico." This is a little more than questionable for whomsoever claimed, and these are comparisons which I had hoped would never have been made in the Senate. This is not the place for military criticism, and I do not intend to attempt it. But I cannot forbear on this occasion to ask whether he who beat the regular armies of Mexico, and disorganized her military power, has more or less claim on the page of history to the title of "the conqueror of Mexico," than he who met the fragment of a beaten army, united to newly-levied peons, and led by a chief who had been stripped of his military prestige by recent defeat.

After these remarks, and claiming to myself a proper and entire willingness to do honor to the very distinguished soldier whose name has been drawn into this debate, I choose to notice the resolution as a distinct thing, as a matter of legislation. We have, throughout our whole military history, had a system of offices the reverse of that of Great Britain. We have had a system of promotion by seniority—a promotion to every grade, up to the grade of colonel, strictly by seniority, and above that by selection, but always by regular commission. The brevet system has grown upon our service until it has produced such confusion in the Army that many of its best soldiers wish it could now be obliterated. This resolution is exactly the adverse to the whole system we have heretofore observed. It creates an office to be gained by promotion to a brevet only. It is the British system for their generals. In the Army of the United States there is a class—by no means a small one—

that have contended for the British system, and desired to see commissions in the line limited to the grade of colonel, and all the generals to hold by brevet. This resolution is in strict keeping with the opinions of that section of the Army.

You, Mr. President, recollect the conflict which arose in the Army about the time of the death of Major General Brown, and which it is believed drove the then President to pass over the next in rank in the line of the Army, and to select another officer as Commander-in-Chief. From that day to this, this brevet conflict has continued in the army. Now we are about to change our system. We are about to establish an office to be held by brevet only, and thus far to abandon the rule of commissions in the line. This I hold to be a radical objection to it. If an additional grade is wanted in our Army for any purpose, create a grade; give the commission according to the established law and usage; and let the officers be breveted to that as to other grades in the Army of the United States. But if this system of promoting by brevet only be adopted, then the idea of the Senator from Illinois [Mr. DOUGLAS] obtains. Thus, suppose some one to be appointed to the grade of lieutenant general by original commission, and the question of brevet rank against a junior linear commission is raised between two lieutenant generals, one holding by brevet only as the reward for service, and the other by appointment without service; here there would be a conflict between the two highest officers commanding the troops; the question would be presented which has been debated for thirty years; and who would have the power then and there to decide it—from day to day to determine whether the *casus* existed in which brevet rank takes effect?

This office of lieutenant general is not new to our history. In 1798, in view of hostilities with France, it was conferred on General Washington by Congress. But as soon as the cloud which threatened war had passed away, the commission was returned to Congress, and the act of the next year (1799) abolished it in these words:

"SEC. 9. That a commander of the army of the United States shall be appointed and commissioned by the style of 'General of the armies of the United States;' and the present office and title of Lieutenant General shall thereafter be abolished.

APPROVED, *March* 3, 1799."

It was abolished by law in 1799, but the rank of general remained. But by the present organization the grade of general

was discontinued, and from thenceforward we have had nothing higher than a major-general. I do not agree entirely with those who say that because our Army has achieved glorious deeds under its present organization, it would never be proper to create additional grades. I cannot deny to our Army those grades which should give our officers, when, in the exchange of official courtesies, they meet officers of foreign services, equal rank. I sympathize with the feelings of a soldier in the value he attaches to a title under such circumstances. But I hold that our system would be better adhered to, and the object more perfectly attained, if we create the grade of full general than by that of lieutenant-general; and that it is entirely subverted when we authorize promotion to that grade by brevet only, instead of by linear commission. If the object is to confer honor, our modes are many—the thanks of Congress, swords by Congress, medals by Congress. These are the honors which have heretofore been conferred upon American soldiers, and convey unmistakable compliment. I think pride should be satisfied with these, and if vanity craves more it should not be granted.

The Senator from South Carolina [Mr. RHETT] says, naming a particular officer, that he has received no brevet. Why? Because he had the highest commission in the Army. How could he be brevetted after having reached the highest grade known to our service? Did we brevet General Patterson, or General Butler, or General Twiggs for service in the southern column? Did we brevet General Worth, who landed at Vera Cruz with the landing of our Army, and fought thence to the city of Mexico, and who came from the field of Molino del Rey, the object of wonder, because he came unscarred? Did he receive a brevet for all his achievements upon the southern line? No, because by previous brevets he had reached the highest grade. Did Quitman, our own gallant Quitman, who carried the first gate of the city of Mexico, receive for that a brevet? No, because he was a major-general. There are other instances.

I am pleased that the resolution does not restrict the honor to one officer, as this debate has indicated. And if the power be given to the President to confer this grade by brevet, would he not confer it upon every major general similarly situated, and alike distinguished for his gallantry, until brevets of lieutenant general would become as cheap as are brevets of major general now? And when you create the grade, and fill it by brevet, every officer who, in the grade of major general, distinguished himself in battle, is entitled to distinction by the brevet until you abandon your system.

These, Mr. President, are some of the main considerations which determined me in the beginning to vote against this resolution. I was quite willing, if any mode had been adopted which was consonant with our military system, to create an additional grade in the army; but I could not abandon what had been the practice of so many years, and which, I believe, every year has shown us more and more to be the wisest practice of the United States—I mean of adhering to commissions in the line against brevets.

Mr. DAVIS, of Mississippi. My colleague, who has just addressed the Senate, endeavors to give the history of this resolution, and with that he shows himself about as familiar, I imagine, as he was in some other history to which he referred.

Mr. FOOTE. I would say to my colleague that I called upon the honorable Senator from Illinois, who stated that my friend from Alabama originally introduced the resolution. I called upon another member of the Military Committee, who informed me that the history which I gave was correct.

Mr. DAVIS. It would have been quite an easy matter, if he had read one of the documents lying upon his desk, to have found that the resolution introduced by the Senator from Alabama, at the last session, was referred to a board of military officers, and was reported upon. He would have found that the Senator from Alabama, who introduced the resolution, referred it to the Committee on Military Affairs, who reported a resolution, which was sent to the board of officers, and upon their report the resolution now under consideration is based.

Mr. FOOTE. So I understood.

Mr. DAVIS. If the Senator so understood it, his statement did not lead anybody to know what he understood.

Then the Senator adds that the whole world gives to General Scott the character of preëminence for feats performed in the Mexican war. Who is "the whole world?" Is it the leading members of the Senate? I am not one of those who constitute the whole world. And who has a right to speak for the whole world? Now, sir, I hold that the whole world entertain no such opinion. That a man may conscientiously entertain different opinions upon this subject; that soldiers do entertain different opinions upon this subject—and I do not speak for those who for a day or a year may have been in service, but of those whose profession it is—I do not deny; but I do not perceive, unless the Senator has some authority which he has not presented, how he has assumed that the whole world entertain the opinions which he entertains.

Nor do I find in anything which I said (and he seemed very much to refer to it) a justification for his informing us that he was influenced by no prejudice. There was no accusation of that sort against any one; or, if there was, I did not make it. I supposed no prejudice on the part of any one—no fear, favor, or malice. I made no such intimation, beyond the very brief reply to the remarks which had been made by others. I addressed myself to what I believed to be the merits of the resolution, and upon that I have not been answered. As a military question—a question for military criticism—I distinctly stated that I did not consider this a proper place, and I would not engage in it. I adhere to my determination. Myself and the other members of the Military Committee who entertain different opinions in relation to this resolution, in leaving it to the Senate, I believe I may say, understood each other that its merits alone would be considered, and that we were not to engage in any personal controversy as to the merits of individuals. Such has been my course.

Mr. SHIELDS, (interposing.) If the Senator will permit me, I will remark that I regret as much as any Senator on this floor, that any comparison has been drawn between these two great and distinguished American generals. I think it is injurious to the reputation of both—to the reputation of the dead, and to the reputation of the living—and I am very sorry that any gentleman on the floor has done it. Certain it is, I have not done it.

Mr. BUTLER. Mr. President——

Mr. FOOTE. I hope to be heard in this matter a moment.

Mr. DAVIS, of Mississippi. I have not surrendered the floor. I only gave way for explanation to the Senator from Illinois.

The PRESIDENT. The Senator from Mississippi has the floor.

Mr. DAVIS. Some twenty-seven years of intimate relation with the present commanding general of the Army perhaps renders it proper for me to say on this occasion, lest he should take the interpretation of others for my real intent, that I seek not to deprive him of any military honors which any man on earth can confer upon him. Few men, perhaps, have spoken more frequently and more highly of his military attainments than myself, because, I imagine, few have estimated them as highly as I. I have had some opportunity to know him, and have some cause to remember him kindly. Such our relations have always been. That I might have some objection to particular acts of his is not involved in the general remarks which I make. I choose thus, however, deliberately to guard myself against any misinterpreta-

tion by him, in supposing that I would wish to deprive him of any military honors which others would confer upon him, so far as I believe they may be properly conferred. Believing this to be a departure from our Army system—believing it to be an injurious departure—I resisted the resolution; and yet it is known to other gentlemen in this Chamber, that I said I would not object to a proposition to create a grade of full general of the Army, with the foreknowledge that it would be conferred upon him to whom you now propose to give a lower grade of lieutenant general by brevet. So far, then, as I am concerned, I at least have not sought to withhold the full measure of promotion from him who is now so worthily the Commander-in-Chief of the Army of the United States. It is known to other members of the Senate that I consider this title as objectionable for many reasons, and, among others, because I do not consider it as corresponding with the organization which attains in regiments and companies; while the grade of general, above that of major general and brigadier general, *would* so correspond, and give us an equal number of generals with the British service.

I have thought it proper, lest there should be any misconstruction when I wish to be understood, to say this much. As to my constituents, (my colleague refers to them,) I presume they care very little whether I vote upon one side or the other upon this question. I have no idea that there is a man in the State of which I am a representative who would ever think of questioning me, and considering me as responsible to my constituents for the vote I give upon this question. They maintain opinions on one side or the other, I have no doubt; but I cannot conceive of any responsibility devolving upon me in the vote I am about to give, nor would I have thought of it if my vote was to be the very reverse of what it will be.

Remarks of Jefferson Davis on the execution of the fugitive slave law in Boston. Feb. 18, 1851.

Mr. DAVIS, of Mississippi. Mr. President, when the bill providing for the recapture of fugitive slaves was under consideration, I was one of those who sought to give it the greatest efficacy of form. I was also one of those who expected no great results from it. I feared then, what seems to be too well realized now, that there was not a sentiment in the northern States to enforce the law, and without that public sentiment, without that consent, I felt that the law was useless. Here and there, perhaps, a fugitive may be recovered, but it is seldom that he

can be found; seldom, indeed, that the process can be executed against him. In commercial communities it may occur, in rural communities perhaps never. I did not then anticipate that if a fugitive were arrested and brought legally before the commissioner or judge, a mob could have the power to release him. Without that, I still thought the law would be ineffectual, to a great extent useless for the contemplated purpose.

Opposition has gone further than I expected. The Senator from Massachusetts says the common sentiment is in opposition to the law, and a Senator who did not address the Senate, but spoke in tones which reached my ear, said "the universal sentiment," strengthening the assertion of the Senator from Massachusetts. If it be so, then it follows that the law is dead, as to that particular State. As to the particular case which has occurred, I regret it as much as any one. I regret it, because it is an indication of that downward tendency in the people of the United States, which seems to manifest that they are unworthy of the Government they have inherited. It is a Government which is wholly inoperative whenever the people cease to have sufficient virtue to execute it. Whenever mobs can rule, and law is silenced beneath tumult, this is wholly an impracticable Government. It was not organized as one of force. Its strength is moral, and moral only.

The Government of the United States has power to suppress insurrection and to repel invasion. What insurrection do you suppose is contemplated? Only insurrection against the authority of a State, in which civil government shall be paralyzed by physical power. The occasion, too, must be sudden and ephemeral. If the masses of any State choose, they have the power, and it is undeniable, to change their whole form of government. An insurrection, then, must be one against a State, and a State may seek the aid of the Federal Government to justify it in introducing its power in the State for the purpose of suppressing insurrection. In the better days of the Republic, may I not say the purer days of the Republic, the militia of the States were relied upon for the enforcement of the laws against those who resisted them within the borders of the States. Thus General Washington's Secretary of War called on the militia of Pennsylvania to put down the whiskey insurrection. He did not call on the Army and Navy of the United States.

But, sir, the case in Boston seems to be the legitimate result of an event which occurred not long since, when the officers failed to do their duty, and the marshal who so failed was not removed. What was this but a direct encouragement to a free

negro mob to set aside the law, and to oppose the officers if they attempted to execute it? I am not one of those, however anxious I may be to see this law enforced, who would advocate the use of the Army to secure its enforcement. I hold that when any State in this Union shall choose to set aside the law, it is within her sovereignty, and beyond our power. I hold that it would be a total subversion of the principles of our Government if the strong arm of the United States is to be brought to crush the known will of the people of any State in this Union. Such is my theory of this Government. If the people of Massachusetts choose to nullify the law, if they choose to obliterate the Constitution, if they choose to deny the supremacy of the laws of the United States, they will have but one step more to take, and the impulse with which they will be moving will compel them to take it; that is, to declare the authority of the United States abrogated, and the bonds of the Union to be no longer over them. We of the South have been constantly arraigned as those who oppose the Government of the United States, who nullify its laws, and who manifest a violent resistance against their execution. The charge is as untrue as it is common. Look to the history of the country, and find in times past where the laws of this Government have been nullified. Elsewhere they have been; in the planting States never.

But special reference was made to the State of Mississippi. Now, sir, whatever newspaper reports the Senator who made that reference may have, I tell him those reports are utterly untrue. Process in the case to which reference was made was delayed, and I have yet to learn sufficient cause why it was not longer delayed, when the Executive of a sovereign State, charged with high functions of office which he could not lay down except by resignation, proposed to give the Government security to go to New Orleans and stand a trial, if they would suspend the process until his term of office closed. This, it seems, they could not grant. Justice was hungry for that sacrifice. Why, I will not say. Many others have passed unnoticed. Offenders against this fugitive slave law have gone unpunished. Actors in the Cuba invasion avowing the fact, have remained unnoticed. Still there was one against whom the shaft unerring must be levelled, and that was the State-rights Governor of Mississippi—a man who had grown old in honorable service, civil and military, and whose gray hairs had brought him accumulated honor. He must be dragged from the duties of his station to answer the charge of aiding and abetting an expedition from the United States, in which it was well known from his public position

he could not have been a participant. I will read a part of the proclamation of that Governor when he laid down his office:

"I therefore, fellow-citizens, now resign the high trust confided to my hands, with no feeling of personal regret, except that I could not serve you better; with no feeling of shame, for I am innocent of the causes which have induced the necessity of this step; on the contrary, although personally I fear no investigation and shun no scrutiny, I have spared no efforts, consistent with self-respect, to avert this result. So soon as I learned that attempts would be made, under an act of Congress of the last century, to remove me from this State, I formally offered to the proper authorities of the United States, any pledge or security to appear in New Orleans, and meet the charges against me, so soon as my term of office should expire; and I remonstrated against *the indignity* thus about to be offered, not to myself, but to the State, in dragging from his duties her Chief Magistrate.

"My proposition was not accepted, and my remonstrance not heeded. It is not for me to complain. You are the aggrieved party. My course in this matter meets the approval of some of the most patriotic citizens near me. I sincerely hope, as it was dictated alone by my sense of duty to the State, it may meet the approbation of my fellow-citizens."

Then let the Senator from New Hampshire learn that this Governor, surrounded by a people attached to him, a man himself of military fame, and who might, therefore, the more readily have been suspected of seeking a resort to arms, resigned the office which he held, abandoned the trust confided to him, that he might go and answer to a charge which he believed to be a charge entirely unfounded. So much for the reference of that Senator to the State of Mississippi.

Now, Mr. President, while I am quite willing, I may say anxious, to know what measures the Executive may take, as the question of military force has been drawn into this debate, I take this occasion to say that I hope the day is far distant when the militia of the States cannot enforce the laws of the United States, cannot suppress insurrection within the States. I hope the day is equally distant when the Federal Government, by its Army and Navy, should attempt to enforce obedience upon a State. If this free negro mob represent the true feeling of the State of Massachusetts, if such be the action of the State herself, if she wills to be free of the obligation of the Union, let her go.

I, for one, will never give my vote to extend a single arm of the Federal power for her coercion. I trust that the history of

our Government may never record such scenes as horse-guards charging upon the peasantry, or steel-clad cuirassiers turned out to ride down the ignoble rabble. The people are the sovereigns. Let them act as their wisdom and their patriotism may direct, and when they cease to have wisdom and patriotism necessary of their volition to sustain this Government, I say the Government is at an end.

Mr. FOOTE. I simply rise for the purpose of putting myself right with regard to an historical point. I had no idea of saying anything more. Perhaps I have said more than is necessary. I referred to an insurrection which took place in the State of Pennsylvania, called the "whiskey insurrection," some years ago. I said that the President of the United States at that period—General Washington—had performed his duty as President of the United States, by taking the proper steps to suppress the insurrection. It was a case of insurrection in the bosom of one of the States of this Confederacy. It was not suppressed by the military of Pennsylvania, unaided by the military force of other States. The history of it is entirely different; and as I have an authentic account before me, I shall content myself with simply reading a few extracts, that all may understand what General Washington thought to be his duty in such an emergency as then arose. It will be very high authority, certainly. The historian (Sparks in his Life of Washington) narrates the matter in this way:

"Soon after Congress adjourned, the President's attention was called to another subject of very serious import, both as it regarded the authority of the laws and the stability of the Union. The act of Congress imposing a tax on distilled spirits had, from its first operation, excited much uneasiness in various parts of the country, and in some districts it had been evaded and openly resisted. The inspectors of the revenue appointed by the Government were insulted, threatened, and even prevented by force from discharging their duty. To so great a length had these outrages gone in some places, as early as September, 1792, that a proclamation was published by the President, admonishing all persons to refrain from combinations and proceedings which obstructed the execution of the laws, and requiring the magistrates and courts to exert the powers vested in them for bringing to justice the offenders. Bills of indictment were found against some of these persons and the marshal attempted to serve the processes issued by the court. He was met by a body of armed men, seized, detained, and harshly treated. The malcontents proceeded from one degree of excess to another, holding seditious meetings, arming themselves, abus-

ing the officers of the Government, and bidding defiance to the laws, till they have assumed the attitude of insurrection, and prepared for an organized resistance.

"The moderation and forbearance which, according to his usual practice, the President has exercised toward these deluded people for more than two years, served only to increase their violence and encourage their determined spirit of hostility. He could no longer hesitate as to the course he ought to pursue. He resolved to employ the means entrusted to him by the laws, and suppress the insurrection by a military force. As a preparatory step, he issued a proclamation, dated on the 7th of August, in which, after briefly narrating the criminal transactions of the insurgents, and what had been done by the Government to allay their discontents and turn them from their treasonable practices, he declared his determination to execute the laws by calling the militia to his aid, and commanded the insurgents, and all persons concerned in abetting their acts, to disperse and retire peaceably to their abodes before the first day of September.

"Having sent out this proclamation, as a preliminary measure exacted by the laws, he next made a requisition for militia on the Governors of New Jersey, Pennsylvania, Maryland, and Virginia. The insurgents chiefly resided in the western counties of Pennsylvania. It was supposed there were among them about sixteen thousand men capable of bearing arms, and that they could bring at least seven thousand into active service. The number of militia at first ordered out was twelve thousand, and it was subsequently increased to fifteen thousand. The Governors of Pennsylvania and New Jersey took the field at the head of the troops from their respective States, and the command of the whole was conferred on Governor Lee, of Virginia. The place of rendezvous for the Pennsylvania and New Jersey troops was Bedford. Those from Virginia and Maryland assembled at Cumberland, the site of old Fort Cumberland, at the junction of Will's creek with the Potomac river. From every quarter the militia came forward with alacrity, and the best disposition was shown by officers and privates to execute the orders of the Government.

"The President, accompanied by the Secretary of War, inspected the army at the two places of rendezvous. He went, by way of Harrisburg and Carlisle, first to Cumberland, and thence to Bedford; these places being about thirty miles apart. He gave directions for each division to march across the Alleghany mountains, meet on the other side, and act against the insurgents, as circumstances should require. Ascertaining from personal examination that everything was in readiness, and leaving written instructions with General Lee, he returned to Philadelphia. Congress was soon to meet, and it was important for him to be there at that time."

Mr. NORRIS. I rise to a question of order. This discussion is certainly not in order.

The PRESIDENT. It has gone much further than the rules allow.

Mr. FOOTE. I think I am perfectly in order. The gentleman is mistaken, that is all.

Mr. NORRIS. I call upon the Chair to enforce the rules.

The PRESIDENT. The simple question is on the adoption of the resolution of the Senator from Kentucky. The Senator will therefore please confine himself to that.

Mr. FOOTE. The Chair has allowed a free range of debate to other gentlemen.

The PRESIDENT. The debate has gone further than the rules allow, but the Chair disliked to interrupt gentlemen.

Mr. FOOTE. The honorable Senator from New Hampshire [Mr. HALE] referred to various cases. The case of the "whiskey insurrection," in Pennsylvania, has been referred to, and it has been said that the State authorities maintained the dignity of the law and put down the insurrection, and that it was not the duty of the Federal Government to call out any force to put it down. I read from a historic record to show what the wise men of the Washington era thought of their duty in such an emergency. I read it simply for the purpose of sustaining myself in the position which I assumed. I think it was perfectly in order to read it, and I think that all who choose to read the debate hereafter will see that what I have read is not only to the point, but is elucidative of the case.

Mr. DAVIS, of Mississippi. I merely wish to say that I have before me a letter from the Secretary of War at that time, Major McHenry, who called on the brigadier general of the militia in the State of Pennsylvania to enforce the laws of the United States in the western part of Pennsylvania.*

**Letter from the Secretary of War to the Governor of Pennsylvania.*

WAR DEPARTMENT, *March* 20, 1799.

SIR: To suppress the insurrection now existing in the counties of Northampton, Bucks, and Montgomery, in the State of Pennsylvania in opposition to the laws of the United States, the President has thought it necessary to employ a military force, to be composed, in part, of such of the militia of Pennsylvania, whose situation and state of preparation will enable them to march with promptitude. The corps of militia first desired on this occasion are the troops of cavalry belonging to this city, and one troop from each of the counties of Philadelphia, Bucks, Chester, Montgomery, and Lancaster. These troops I have the honor to request your Excellency will order to hold themselves in readiness to march on or before the 28th instant, under the command of Brigadier General McPherson.

I have the honor to be, with great respect, sir, your obedient servant,

JAMES McHENRY.

(Note continued on following page.)

Remarks of Jefferson Davis in regard to the fugitive slave law. Feb. 24, 1851.

Mr. DAVIS, of Mississippi. I have no intention, Mr. President, to debate the question of slavery, or the relations of the States on the rights and duties appertaining to slave property. I said at the last session, I believe, all that I wished to say upon that subject. Under present circumstances, I could have no hope to change the opinion of any one here, could have no expectation that what I might say would do any good as to those points decided against us, when our prospects were better than now. I came here with the foreknowledge that slave property was one of the interests I in part represent, which must be protected elsewhere, not here. I therefore do not intend to debate that question. Some remarks have been made, however, to which I think it proper briefly to reply.

The Senator from Massachusetts speaks of the execution of the fugitive slave law as a propitiation to the South. If it be so, it is only because such discharge of a constitutional requirement will be welcome as an offering to good faith—a supposition in keeping with the position of the South, which never has demanded anything but the strict observance of the Constitution. But I deny that the South asks it as a boon or propitiation at the hands of the United States Government. They have claimed that the execution of this law was a compliance with the obligations of the Constitution; they cannot properly view it as a favor granted to them, or consider a recognition of an express provision of the Constitution a condition to be treated for. They must receive it as a right, not to be estimated, as some seem to suppose, by the value of the property, but for the principle which is involved. Senators make a great mistake when they suppose a southern planter, who loses a slave by the refusal in a neighboring State to deliver him on demand, is most concerned for the labor of which he is deprived. They make a great mistake if they suppose that, from such a condition, a master would ordinarily wish to bring a slave back to his own State. The more

His Excellency Governor MIFFLIN.

From the Instructions given to General McPherson the following are extracts:

WAR DEPARTMENT, *March* 21, 1799.

SIR: In pursuance of the President's proclamation, bearing date the 12th day of this month, it has become indispensable to determine upon and put in motion the military force proper to be employed for suppressing the insurrection in the counties of Northampton, Montgomery, and Bucks, in this State.

common feeling among planters would, I think, be not to bring him back to contaminate the more faithful servants. It seems to be a species of property, however, which is under the ban of the majority; and therefore it is that the minority so sternly insist on the right, and now demand faithfully and summarily the rendition of their fugitives from service or labor, that their constitutional rights may not be trampled upon by those who now seek to crush the compromises which have nurtured their growth, and upon which this Union was founded. This is the great question that is, in my view, involved in the execution of the law for the delivery of fugitive slaves.

The enactment of this law has been spoken of as resulting from the system of measures enacted at the last session of Congress. If so, then let the South measure the faith of the North. If they have observed the Constitution, if they have passed a law to carry out one of its express provisions merely as a contract, as a means by which they should get something they desired, I loathe the motive, and scorn the pittance. It never had any claim to our confidence or respect, save so far as it was received as a tribute to constitutional rights. But is it the offspring of the "compromise," as it has been called? Was it so enacted? Who framed it? The Senator from Virginia, [Mr. MASON,] who was not one of those who advocated the compromise measures. Who amended it to its present form? Who sustained it in argument and voted for it? Sir, the northern majority on that occasion allowed the southern minority to pass the bill. The North did not pass it. They did not meet their obligations to the Constitution and their faith to the Union. Seats were vacated, and the southern members were allowed to pass a law which had to be executed at the North. That is the history of the transaction. Was there, then, not reason to suppose that a law which could only be passed by a system of absenteeism, would be a failure? Have not all the fears expressed been more than realized? Why refer to events in Illinois and Indiana? They executed the law of 1793. Why refer to the State of Iowa? That State has always been sound on this question, and required no additional legislation. That law was necessary for States in which abolition ruled the civil government. Has it there proved effective? That is the question. Not whether there are non-slaveholding States true to the Constitution, and true to their obligations in relation to this species of property; but whether those States where it was sought to destroy the right of the slaveholder to his fugitive slave have been checked by the law of the last session of Congress? If

not, then the Senator from Virginia is right when he denies that it has not borne fruits.

Nor, Mr. President, has it been my good fortune to perceive that improved state of feeling which it is said has been produced in the country. Never within my remembrance have there been so many and such excited meetings as since the last session of Congress. Never have I seen such numerous accounts of anti-slavery conventions. Since then a British abolitionist has come to reap a harvest from the excitement which has been spread broadcast over one section of the country. Is this the evidence of an improved state of feeling, which we are told is now in existence? If so, what went before must indeed have been gloomy.

But we are told, notwithstanding the beneficial results which it is said have been the consequence of these measures, that the Union is in danger. Is it true? If so, whence came the danger? Where rose this cloud which lowers over our house? Was the Union in danger when Congress met in December, 1849? Did anybody say so? If it be in danger now, it has fallen into that danger since the passing of these great medicatory measures. Where then, I ask, is the fruit of them? Assertion will not answer for proof. We must have the evidences of a changed state of feeling for the better, before we are called upon to return thanks and join in a Te Deum for our deliverance.

Since I have held a seat in the Senate I have not been one of those who have threatened the dissolution of the Union. I have felt that I stood here as a part of the Government, and that it was my duty to maintain it. That I was bound by principle, when I ceased to be willing to preserve the Government, to vacate my seat, as a post I could no longer honorably hold. I hold that a Senator stands here on a mission from his State to the Federal Government, and that the honor of his State would be involved if any Senator used his position to destroy the Government to which he was accredited. Entertaining these opinions, I have not heretofore discussed this question, and I do not propose to do it now.

If we could trace back to the earlier period of our history; if we could go back to the times of those who formed this Union; if the sentiment which prevailed then now existed in the country, there could be no danger of laws being nullified by the resistance of mobs, or of a dissolution of the Union, because some of the States claimed that the property held under their laws, if found within the limits of another State, should be faithfully

surrendered on the owners demand. In the earlier days of our history our honesty was deeper and broader than this. It was, not merely between States of the Confederacy, but between coterminous countries, held to be an obligation to return fugitive slaves. The obligation was incorporated in the Constitution, the compact between the States. If I may draw an illustration from my own homely pursuit, it is as if two farmers living near each other should agree together that the stock of one escaping into the enclosures of the other should be returned upon demand. Would it be deemed good faith if one of the neighbors should conceal the property of the other so escaping, and prevent its return upon demand? Would it be deemed good faith to resist the agent who should come to claim the property? Would honesty not require assistance to be given for the capture and delivery? Such a contract is that between the States for the surrender of fugitive slaves. I hold that it is a reflection upon the good faith of the States that it has ever been found necessary for Congress to pass a law upon the subject at all.

Sir, at an earlier period of our history, and before this obligation was written in the bond between the States, in the Congress of the Confederation a resolution was introduced to secure the rendition, from and to foreign States, of slaves escaping from the Confederacy thence, or the reverse. I find in Hamilton's works the following:

"ASYLUM TO FUGITIVE SLAVES.

"*August* 26, 1788.

"On the report of a committee, consisting of Mr. Hamilton, of New York, Mr. Sedgewick, of Massachusetts, and Mr. Madison, of Virginia, to whom was referred a report of the Secretary for the Department of Foreign Affairs of the 14th instant—

"*Resolved,* That the Secretary for the Department of Foreign Affairs be directed to transmit copies of the papers referred to in his said report to the Chargé d'Affaires of the United States at Madrid, and instruct him to represent to his Catholic Majesty the inconveniences which the States bordering on his dominions experience from the asylum afforded to fugitive negroes belonging to the citizens of the said States; and that Congress have full confidence that orders shall be given to his Governors to permit and facilitate their being apprehended and delivered to persons authorized to receive them; assuring his Majesty that the said States will observe the like conduct respecting all such negroes belonging to his subjects as may be found therein.

"*Resolved,* That the said Secretary be also directed to communicate the said papers to the Encargado de Negrocios of Spain, and to signify to him that his interposition to obtain proper regulations to be made on the subject would be very agreeable to Congress."

Thus it is seen that the men who formed this Union did not doubt their obligations to surrender fugitive negroes even to a foreign Government, as a matter of comity and good faith between friendly nations. They only asked that Spain should do likewise towards them. But, sir, in the course of years and of national growth, we have either lost something of that purity and close adherence to the general rules of justice which characterized our fathers, or men's minds have been warped and wrung by visionary speculation, until justice is lost in their misty philosophy, and the voice of honesty is drowned in the clamor of a pharisaical sect. Hence arose the necessity for a more stringent law.

If we grant that this fugitive slave law passed Congress because of its connection with other measures, that it passed for a consideration, that it was the price paid for the surrender of other rights, it is stripped of all claim as a peace offering from the North. What could be more offensive to any southern man than the proposition that he should surrender part of his constitutional rights in order that his runaway negroes should be restored on demand, according to the requirements of the Constitution? Could a freeman worthy to have inherited such a Government as this, agree to traffic in his constitutional rights, to surrender privileges and immunities—the equality to which he was born—for so paltry a price? It is offensive to their understanding, to their manliness, and to their spirit in the assertion of their constitutional rights, to treat it as a case of barter. If we are to have no more, let us have the poor privilege of believing that those who are associated with us have been honest enough, without a consideration annexed, to permit the passage of a law to carry out an express provision of the Constitution for the protection of property in slaves.

In relation to this particular case of a mob in Boston, I consider that it derives its importance mainly from the fact that there is an organization in one portion of the States to deny the right to hold a species of property possessed in another portion of the States; that this mob and violent resistance to the capture of a fugitive negro is but a sign of the times; and that, therefore, it is worthy of a consideration which shall not prop-

erly be given to every mob. While I attach this importance to it; while I recognize the obligation of the President to see the laws executed, I am yet slow to believe that the President cannot execute the laws with the means in his possession at present. A marshal anxious to do his duty can assemble a posse; if this be not sufficient in any locality, he could call on the State authorities for further support. The power of removal enables the President to obtain such an officer, and the rest follows whenever the State is true to the obligations of the Union.

As I said before, I repeat, if this be the action of the State; if the action of the negro mob in Boston be sustained and adopted by the State of Massachusetts; if she has resolved to cast off the obligation of the Constitution, and to absolve herself from the duties which devolve upon her as a member of the Union, then she is, of her own free will and sovereign act, virtually out of it. I, for one, will never give a dollar to coerce her back. In saying this, I make no special attack upon that State. I attack no State. Though those with whom I am most identified have suffered most grievous wrongs from the State of Massachusetts; though she has been in the lead in that agitation, the object of which has been to deprive us of our property, still I remember the earlier and more glorious portions of her history. Still, if I could have the faintest ray of hope, I would say, despite my wrongs, I love thee still. If we can only have such ray of hope furnished by the action of the Governor of that State; if he, with the militia of Massachusetts, will put down the mob and enforce the laws made under the Constitution, how much better, peaceful, efficient, and permanent it would be than any remedy applied by the army and navy. And I reject the idea of the coercion of the State by the power of the Federal Government. If the State will not act thus, it can only be said she has dissolved the bonds that connected her to the other States by repudiating the Constitution. If so, I say let her go—go in peace, go in good will, go with all the kind and proud remembrances which cluster about her early history; go, if she will not maintain her obligations to the Constitution, as becomes a sovereign State, and an equal member of the Union.

I know, Mr. President, that this doctrine which I entertain of the freedom of the State from coercion by the Federal Government, will be by some identified with the doctrine of nullification, to which it bears no resemblance. I deny the power of Massachusetts to nullify the law and remain in the Union. But I concede to her the right, I am willing she should exercise it, if she deliberately desires it, to retire from the Union—to take the

"extreme medicine," secession. I hope now to be understood, and I will not longer detain the Senate.

Mr. DAVIS, of Mississippi. I wish to make a very brief reply to my friend from Louisiana. He claims to be an old Democrat. We are, for young men, very old acquaintances, and have both uniformly been Democrats. We are, then, even upon that point; and if he will not claim, by being an old Democrat to be also an old man, then we stand upon equal ground. That he cannot do so, is shown by the fullness of his confidence. He sees all things *couleur de rose*, with the bloom and the freshness of hope, which belongs alone to the season of youth. If his prophecy be fulfilled, if his hopes can be realized, no one would rejoice more than myself.

The Senator says I must give him proof of the correctness of my opinion. He brings up the meeting at Cazenovia of last year, and compares it with the state of things existing now, which he assumes to be that of calm and contentment. Let him look to Syracuse and find there another Philippi. For the one meeting at Springfield, where the English abolitionist Thompson was refused a hearing, let him look at the long list of appointments made for him—mass meetings extending from one day into another. I fear the publishers of the "Liberator" are not so kind to my friend from Louisiana as they are to myself——

Mr. DOWNS. They send their paper to me, but I do not read it.

Mr. DAVIS, of Mississippi. I do, and am always willing to learn from an enemy his strength, his position, and plan of attack. I learn thus that there is a regular succession of abolition meetings, exceeding in number, and in the masses who attend them, anything which has ever before occurred. They have raised a cry upon the fugitive slave bill which appeals directly to the sympathy of every individual who has, by the domiciliation, perhaps for many years, of a runaway negro, had a personal feeling superadded to hostility to the institution of domestic African slavery.

But my friend mistakes one of my remarks. I did not say the compromise bill was passed to prevent a dissolution of the Union. There are those who claim that it did prevent a dissolution of the Union. I am not one of them. I have not proposed or foretold a dissolution of the Union. When I become convinced that this Union depends for its preservation on the measures which politicians may suggest, and solely depends on such a reliance to hold it together, I shall look upon its days as

numbered. The charm which invests and binds it with far greater force than bands of brass and steel, must have been dissolved, and the efforts of any puny arm to forge fetters to replace the magic power which had passed away, would only provoke contempt, if it did not heighten the catastrophe. This Union is held together by historical associations and national pride. It is held together by mutual attachments and common interests. It is held together by social links, from the fact that fathers and sons, mothers and daughters, brothers and sisters, and boyhood friends, live in extreme ends of the Union. These States are held together by so many unseen, close, and daily increasing points of contact, that it can only be rent in twain by something which loosens these rivets, and permits the use of a lever as powerful as that which has been recently introduced. When it depends upon politicians to manufacture bonds to hold the Union together, it is gone—worthless as a rope of sand.

It is to others to whom my friend's reply must attach; not to me. I have not said the compromise bill did or did not remove all danger to the Union. I have not said it was passed to preserve the Union. I believe that, but for it, the Union would have been more secure than it is at present. I find now excitement in both, instead of but one section of the Union; and, if an attachment to this Union does overcome wrongs inflicted, it is because that attachment is so deep-founded that the tampering of politicians cannot destroy it. The danger twelve months ago—about the 4th of March, 1850—was too small to excite much attention. True, there was an attempt irregularly, without previous authority of law, to force a State into the Union, by which the most salutary check in our Government would be destroyed, by permanently securing to one section a majority in both Houses of Congress. This and other objections of a constitutional character were then urged, and there was a warning of resistance to be made. How is it now? Those who gave the warning then are generally as firm now as they were then in the assertion of the principles and policy avowed. I find, also, that many southern men, who did not attach the same importance to that measure, are now taking the attitude that, if the fugitive slave law be repealed, or slavery abolished in the District of Columbia, they are ready to dissolve the Union. I say, then, that the excitement has increased instead of being allayed. I say that when men contemplate the dissolution of the Union, and lay down a particular mark at which it shall be dissolved, they are on the very verge of its destruction. When they throw out to you a programme containing one, two, three, or four proposi-

tions, and announcing that, if this or that is done, this Union shall be dissolved—and this, too, is done by those who declare themselves to be *par excellence* the Union men—I ask, where is the manifestation that the danger has passed by?

My friend says he does not believe my own State is in favor of dissolution. Who does? Who ever said Mississippi desired to dissolve the Union? In Mississippi it has been spoken of but as an alternative, a last recourse, and a remedy to which they would only resort when they were bound as freemen to surrender their inheritance, or adopt the last argument in order to maintain their constitutional rights. That they have said, and that I believe they will do. You could not, throughout the length and breadth of the State, find a corporal's guard who desire to destroy the Union of the Constitution—the Union as it was formed by, the Union as transmitted from, their revolutionary sires. They speak of dissolution as the result of a violation of constitutional rights, and thus only; of secession as the alternative of submission to usurpation and degrading aggression.

Remarks of Jefferson Davis on river and harbor bill. March 1, 1851.

Mr. DAVIS, of Mississippi. We are indebted to the Senator from Ohio [Mr. EWING] for having at last located this vagrant power of the Federal Government to make internal improvements within the States. Formerly we had frequent controversies as to what clause of the Constitution it should be drawn from. The Senator from Ohio at last shows that the opposition to it is the only matter to be traced, and that we inherit that as insular prejudice from England. With a single bound he passes to the conclusion that the power is inherent, and only waited to be exercised until the prejudice should be removed. He has not thought it necessary, nor did those who preceded him on the same side of the question, to show any power granted in the Constitution of the United States to make these works of internal improvement. He does not, neither did they, refer it to any specific grant. We have reference made to precedents and the opinions of many who have in times past administered the Government. But if there be anything more indisputable in our Government than all else, it is that it rests for all its powers upon a written Constitution—a charter of grants, limitations, and prohibitions.

Mr. EWING. Mr. President, one word, if the Senator will

allow me. I wish to suggest that I did not trace the power to the Constitution. I was not denouncing the objections of those who believe that the Constitution gives no power at all. I had not a word to say to them, but to some gentlemen who concur with me in the opinion that the Government possesses the power, but that it extends only thus and thus in certain particular cases.

Mr. DAVIS, of Mississippi. The Senator says he was only addressing those who conceded the power. It was not necessary for the Senator to argue with them. They presented nothing for him to combat. They had no prejudice which he was called upon to overturn. If they agreed with him, and it was a mere controversy as to who should have the appropriation, at whose feet the spoils of the foray should be laid, I could have understood a different argument, but cannot in this light see the application of that which he made. He attempted by argument to show why we possess the power, and says he addressed that argument to those who did not deny it. He will, I hope, excuse me for not supposing he had devoted himself to a labor so wholly superfluous.

But the Senator says we derive our opinions from the insular condition of Great Britain. The opinions which we should entertain on a question of constitutional power, or even of public policy, are, or rather should be, drawn from the letter of our authority and the genius of the institutions which preëxisted, and which it was designed to secure and perpetuate by the Union. When the colonies achieved their independence and became States united, they formed a Government for purposes common to them all, and gave to it as the agent of the States certain specific enumerated powers, and reserved all else to the States and the people. It has no right then to exercise any other power than such as they granted expressly by the Constitution. We have a right to claim of those gentlemen who entertain the opinion declared by the Senator from Ohio that they shall locate it upon a particular grant, that they shall show whence they derive the power. They are not here to remould or alter the Constitution, but are or should be engaged in guarding and executing its written provisions. They are bound in fairness not to assume a conclusion, but to reason up to it, and let those who differ from them know upon what basis their opinion rests.

At the formation of our Constitution, and from that day to this, the people of the United States have been divided into two political sects—one contending for a latitudinous, and the other a rigid construction of the instrument. I belong to those who,

as a party, claim to have adhered to the creed of strict construction. If there have been occasional departures from it, if it be avoided now, yet, convinced of its truth, I will not despair of its final success, but hopefully look out from the gloom of the hour. The distinguished Senator from Kentucky [Mr. CLAY] congratulated the Democracy upon the liberal spirit they had evinced upon this occasion—that is to say, he congratulated the Democracy upon that surrender of their own well-known opinions which brings them into coincidence with his. If it may be permitted to one so obscure as he who addresses you, in like manner to congratulate those upon the other side, then I have to express the great pleasure I derived from the remarks of the Senator from Georgia, [Mr. DAWSON.] If Democrats have adopted the creed of the influential Senator from Kentucky who congratulated them this morning upon the happy conjunction, I trust we shall receive an equivalent in Whigs who come to the rescue in this unpropitious moment, and rally under the banner of a strict construction of the Constitution. I heard his remark as the harbinger of brighter hopes than I entertained when the bill was taken up this morning. It was welcome as the fountain in the desert to the desponding traveler, or the smoke which directs the wanderer in the wilderness to the shelter of a cottage, and assures him he is not wholly alone. I trust that he is, though the first, not the last, who will come to our aid; that many others of his political creed will join us on this great time-honored principle, instead of attempting to uphold the trembling platforms designed by political jugglers, and constructed by party conventions to serve as a stage for some puppet of the day.

But we have been told that the large appropriations contained in this bill are required, because of the neglect of this duty for the past three or four years. In other words, it is because we have had a Democratic President, who would not approve of bills to charge the United States Treasury with supplying means for the improvement of rivers and the construction of harbors. If that is admitted to have been a neglect of duty, then it must be conceded that the first element of our creed is wrong; but who shall judge? How often during the existence of this Confederacy have those entertaining an opposite opinion held the Executive power; and in what portion of the time has it been assigned by the people to those who contend for the strict construction of the Constitution? The very distinguished representative of that creed, our last Democratic President, is charged with neglect of duty for having checked

appropriations for internal improvements. In Democratic Administrations, it is true that improvements in rivers and harbors have been made; but it is to be remembered that they have always been those who have sought to curtail such expenditures. It has been stated that large appropriations were made during the administration of General Jackson; but it will be recollected that it was in that Administration that the celebrated Maysville road bill fell—the first great blow struck at the system, then increasing so rapidly that it threatened to cover this whole land as a deadly contagion. It was thus arrested then, and the people approved the act. Are they more dependent or less true to principle now?

I have no fear of any of that popular uprising in the great valley of the Mississippi which has been spoken of. I have no dread that the people of the extreme West will trample down the obstruction to their wish which constitutionally the Congress may throw in their way. I have no such fears as have been expressed either by the Senators from Kentucky [Mr. CLAY] or Arkansas, [Mr. BORLAND.] This, sir, is the cry of disappointment, not the voice of prophecy. Nor, sir, is it quite new to my ears, or to yours, Mr. President. We heard it when we were members of the other House. I heard this prophecy in relation to the West, when we were considering the river and harbor bill in 1846, as boldly and broadly stated as it is now. I did not believe it then. That bill, with all its abominations, passed both Houses of Congress, and received the veto of the President; and his interposition met the concurrence of a large majority in the country. Then, sir, I had occasion to speak of the foretold uprising of the West in opposition to the action of Congress; and here is what I said:

"In the course of this discussion, we have repeatedly been told that internal improvements by the Federal Government were necessary to cement our Union; and the gentleman from Pennsylvania [Mr. STEWART] ingeniously inquires, if appropriations for internal improvements be denied, what can the West receive? I answer, that which is vastly more important to an agricultural exporting people—exemption from the onerous taxation necessary to sustain the vast expenditures of such a system; relief from the oppressive duties which have enriched his more peculiar friends at the expense of the South and West; with that which is above all computation, the preservation of our republican Constitution from the corrupting tendency of such a system.

"Plundered in the collection, neglected in the distribution of

your treasure, the southwestern and western States have passed from infancy to manhood, their attachment to the Union growing with their growth; and now it is proposed, by works of internal improvement, to bind them to the Confederation. Sir, they need no bonds save those of fraternal feeling; these natural causes will preserve; these, unconstitutional infringement only can destroy. Let those who have love for the Union on their lips cease from pertpetrating acts effective for its dissolution. * *

"If, from my observation on different portions of our Union, I were to decide on the law of its attraction, I should say it was the reverse of gravitation, and varied directly as the square of the distance from the centre. The extent of our Union has never been to me the cause of apprehension; its cohesion can only be disturbed by the violation of the compact which cements it.

"State sovereignty, unshorn of its attributes, and private interests freed from undue interference, mutual advantage must bind the people of our Confederacy perpetually together.

"As nature and the necessities of commerce may direct, those immediately concerned will multiply and extend the channels of communication. To individual and local advancement will be added the fruits of harmony and general prosperity. If, otherwise, a system of internal improvement should be attempted by the Federal Government, error and misdirection in appropriations may be expected constantly to occur, whilst corruption and dissension will attend the division of the spoil, wrung from taxed and toiling millions for works unconnected, it may be antagonist to their individual interest. The means thus proposed to preserve our Union, will more probably generate disaffection and discord; like the teeth of the dragon, have an offspring for family strife and destruction."

I entertain the same opinion now. We of the valley of the Mississippi, possessing a country capable of sustaining the greatest empire the world has ever seen, its natural channel of communication binding the whole together, from the snow-covered mountains until it rises to the tropical region where it debouches into the gulf, have a commerce, quite competent, if left to ourselves, to effect all the improvements we desire without feeling the burdens which they would impose. Tax us not for other and less important objects. Give us merely the right to lay for our own objects a tonnage duty, and all that we require can be done at an expense so small in proportion to the commerce interested that we will only be conscious of the relief produced by the removal of your weight from our shoulders.

I now turn for a moment to the position taken by the dis-

tinguished Senator from Michigan, that the appropriations for the Mississippi river are rendered constitutional by the great extent of country drained by its tributaries; that it becomes national because ramified through a great number of States, and accommodating a great number of people. If this be so, and if we may appropriate money for anything which involves the interests of a great number of persons, why might we not appropriate money to improve the culture of wheat, of corn, or of cotton? If it be the number of persons interested, rather than the letter of the Constitution which is to decide, then it follows that the interest being sufficiently large to exercise a controlling power, the compact is silenced by the voice of the multitude, and the minority are bound as such to contribute to the support of the majority, because it is great. This, sir, is the reverse of the principles not only of our Government, but of all sound theory of social and political organization. Individual and State associations are instituted not for the advantage of the strong but for the protection of the weak; not to give him who already has an abundance, but to secure to him who has little, that which he has. This is the great object of human government; and the principle here asserted seems to me to be not only violative of this object, but of all fixed principles of justice between man and his fellow-man.

I recollect that on a former occasion, I argued what I considered the constitutional point involved in a grant of land for the benefit of a particular class of indigents, and that then it was said by a Senator that he had heard that argument thirty or forty times. I cannot, thus admonished, fail to remember that I am now addressing to the Senate arguments which all of them have heard frequently, and which I regret have been so little heeded. I shall not dwell upon them, because I feel that it would be a useless and unwelcome tax; still I cannot pass them by, because I hold it to be a high and holy duty to repeat them under circumstances such as surround me. In keeping with the argument to which I have just referred, the Senator from Michigan excepted roads and canals, but admitted rivers and harbors. Why?

Mr. CASS. Some rivers and harbors.

Mr. DAVIS. What rivers and harbors? The rule of nationality, as it is now contended for, is that which makes everything national for which a sufficient number of votes can be obtained. It is useless to attempt to define by the size of the river; it is useless to attempt to define by its commerce; it is useless to attempt to define by its length; the fact meets us

that no one object is presented on its single merit. All are combined by the common interest they have in obtaining money from the Treasury, a harmonious whole for the benefit of each. If, thus acting and reacting on each other, they can command a sufficient number of votes, then each, without reference to its connection with the general good, straightway becomes national. If a river runs through a single State, that State has entire jurisdiction over it. Any argument against a canal or a railroad equally applies to a river so situated. What argument can be adduced which will not equally apply to a river as to a road running through a State of the Union? If there is any, and I hear it, I will endeavor to answer it.

This bill contains some old acquaintances of mine. I see here the same old points, Big and Little Sodus, and Chicago, &c., some forty-five in number, which we discussed in 1846. Now, as then, I presume, we shall be assured that the proposed appropriations will be sufficient to make the improvement required at the places named. Now I had to answer this assurance by showing that these large appropriations had already been made, and large appropriations were expected to follow, and I read from the report of the Secretary of War on that occasion in support of what I said.

The longer the delay the greater the ultimate cost, is the rule; and it will go on increasing so long as local interests may be encouraged to look to the United States Treasury for support.

Now, in relation to Chicago, what defence is to be set up for that appropriation? What, I ask, but the fact that there is a large commercial interest which goes out of and comes into Chicago? What have the United States to do with the harbor at Chicago? What interest, common to all the people of the United States, can be subserved by the improvement of the harbor at Chicago? Can it be pretended that it will ever serve as a harbor of refuge for naval forces on the Lakes? My honorable friend from Michigan knows its position too well to make that argument. Will it be pretended that the extension of the pier will arrest the necessity for further appropriations at that place? He knows that lake too well to believe it. He knows the facts, the locality, and the history of this improvement too well to assert it. He knows that the detritus drifting from the northwest, or from the head of the lake, are thrown on the pier projecting from the shore, and will continue to form a bar just so far as you extend the pier into the lake. There is no end to it until it becomes a wall, stretching from shore to shore. He knows that a vessel driven as far as Chicago by stress of weather,

by the gales which always come from the northwest, would in vain endeavor to make that harbor. It is of no use to construct a harbor of refuge at Chicago. A harbor of refuge, if one is required, must be built at or near the end of the lake. Is it proposed to construct one there? No, no; there is no local interest there to demand it, and the general interest, if there be any involved, is forgotten. I will not deny that we require harbors for the use of our Navy upon the lakes. But these harbors should be put where nature has not supplied them, and where they are required for naval purposes. They would be made for national defence, and not in relation to the interests of commerce. Now, I ask any man who knows those lakes to lay his finger upon any appropriation which provides for such a harbor of refuge, which is not dictated by the interests on shore, the population and products of the adjacent country.

I will not go over these points. They have been discussed in the House, and I suppose they have been examined by Senators; but I will content myself with saying, one after another these objections can be multiplied, until they force the conclusion upon the least credulous that these appropriations are to be made for local interests, distributed so as to pass the bill, involving the people of some ninety different Congressional districts in the benefits which are to result from this appropriation act. I have no new opinion to express upon that point. If the Senate will hear me, I will therefore read what I have before said upon it:

"The Mississippi is the natural channel of the present 'West;' its thousand feeders, stretching to the right and left, nature designed should gather into this great channel the immeasurable products of the region which it drains. Every work of art which draws a portion of the products from those natural means of transportation is so much taken from the West for Eastern interests. Thus, sir, I hold these lake improvements are works for the St. Lawrence and the Hudson rather than for the Mississippi. Was it not enough that we should see part of the power which nature designed we should possess transferred by art into the hands of others? Was it not enough that we should be taxed to construct the works which were to injure us? But must we also hear that these things are done for our own peculiar benefit?

"I do not complain that the measures necessary for the Southwest have been omitted in this bill; we only ask for such as are constitutional and useful to extended interests; such as have merits of their own on which to rest, and deserve better company than such a motley group as this.

"I had the honor to present, a few days since, a memorial from the Legislature of my State for the removal of obstructions interposed by the agency of the Federal Government to an important natural navigation. Believing the object constitutional, and that the demand is just and proper, hereafter I design to ask an appropriation for it."

[A member from his seat here said: "Will you vote for the lake appropriation?"]

"Sir, I make no terms—I accept no compromises. If, when I ask for an appropriation, the object shall be shown to be proper, and the expenditure constitutional, I defy the gentleman, for his conscience sake, to vote against it. If it shall appear to him otherwise, then I expect his opposition, and only ask that it shall be directly, fairly, and openly exerted. The case shall be presented on its single merit. On that I wish it to stand or fall.

"I feel, sir, that I am capable of sectional distinctions upon such subjects. I abhor and reject all interested combinations."

I hold now, as then, that if there be an object which justifies an appropriation it should be presented singly. It should be made the subject of a separate bill, to be voted upon in relation to its own individual merits, and so to stand or fall. Not to be woven in with something else to which it bears no just relation, that uncongenial and perhaps opposing interests may be brought together. One member concedes his opinion here, and another there, and thus the two unite in passing a bill which neither approves.

These appropriations are made from money raised by general taxation; raised under a power given to provide for the execution of other grants conferred for the common defence, the general welfare, and to pay the debts of the United States; raised by general taxation, which taxation we have only a right to levy for the objects enumerated in the Constitution. It is now proposed to make of the money thus collected a partial distribution. It is partial and unjust, because it is for private advantage, and it is proposed that those who are to receive shall not be those who pay; but that the whole community shall be taxed in order that local appropriations may be made for the benefit of a portion of the community, whether it be in the increase of their commerce or by the mere expenditure of money itself. This is with me an objection which goes to the principle of this and all similar bills.

But further: this is a proposition which authorizes the Federal Government to invade the State authority. It makes no restric-

tion, as was suggested by Mr. Monroe, in reference to obtaining the consent of the State. It is to go into a State and make what the General Government choose to call an improvement, whether it be desirable to that State or not. Worse still, if possible; it is to disregard your treaty obligations with Mexico; for it makes an appropriation to improve the Rio Grande, a river common to this country and to Mexico, and the boundary between them, and the improvement of which can only be made by the consent of both Governments. An obligation the more worthy of consideration because of the different modes of using the stream by the two people, and because that which may be done under the belief that it would be an improvement, might be the destruction of the navigation, and subversive of the interests and rights of Mexico. Have you made surveys of that river? Have you examined the formation of its banks? Have you sounded the stream, to tell what will be the result of removing natural dams? Have you measured the velocity of the stream and ascertained what will be the consequence of changes to suit our mode of navigation? We are asked to go blindly into this appropriation for the improvement of a river we have no right to interfere with, save with the consent of Mexico, the joint owner of that navigation. You have made a calculation on the consent of the States; but it may be that the States will not consent, that some of them will regard it as an invasion. But if it be otherwise, their consent cannot enlarge our powers, and we are the more called on to maintain the Constitution in proportion as others are incautious; it is thus that precedents are established, and dangerous violations of the Constitution so frequently arise. There can be no greater power on the part of this Government over a river which lies within the limits of a State, to remove a sandbar or to take away a natural dam, than there can be within the limits of the State to dig a canal or to build a road. It may be that the most vital interests of that State are connected with the obstruction which you propose to remove, for it may be connected with a fishery or peculiar navigation which is the source of their wealth; or it may be essential for the support of extensive manufacturing communities. It is one of the most difficult problems in engineering to foresee all the consequences of making a change in the bed of a stream. It may be that in endeavoring to remove an impediment which operates as a natural dam, you will drain the pool, and destroy the whole of the navigation upon the river above it.

These are local interests, which may safely be left to the people who live upon these streams. These are local works,

which can be most economically achieved by those directly connected with them.

I do not wish to be understood as opposing the improvement of rivers and harbors, nor the making of canals and roads. I am opposed to such works by the Federal Government, save where required for the use of the Army or Navy, and authorized by the grant for military purposes. You have a right upon the seaboard or upon the lakes to construct harbors necessary for your navy and the national defence. You have a right, for a military object, to make the necessary roads and improvements in rivers. This is a grant narrowly limited and doubly restricted; the right terminates with the necessity of exercising it upon the part of the Federal Government. The moment a sufficient population has assembled there to take upon themselves the responsibilities and duties of a State, the necessity for military defence passes away, except so far as it may form a part of our national frontier. It is only in its wilderness condition that the necessity exists, and it has been properly extended in the Territories to a limit beyond that recognized as allowable within the States.

I am in favor, then, Mr. President, with such limitation as I have stated, of resorting to tonnage duties for the improvement of rivers and harbors—instead of taxation of the whole people of the United States, to allow the States where the improvement is to be made to lay tonnage duties upon the commerce of that river or harbor, and, from the money so collected, to make the improvements desired. I am in favor of this for several reasons—first, the money will be collected from those who are to receive the benefit of the work; secondly, it will be laid only for improvements which are desirable, and the money will be expended with rigid economy. For this opinion, however, that the proper mode of raising money for such expenditures is by tonnage duties upon the vessels connected with the commerce which is to be improved, I have the high authority of the last Democratic Administration, which has been said to have neglected its duties in relation to the improvement of rivers and harbors. Mr. Polk in his message, when he vetoed a bill very similar to this, said:

"The Constitution provides that 'no State shall, without the consent of Congress, lay any duty of tonnage.' With the 'consent' of Congress such duties may be levied, collected, and expended by the States. We are not left in the dark as to the objects of this reservation of power to the States. The subject was fully considered by the convention that framed the

Constitution. It appears in Mr. Madison's report of the proceedings of that body that one object of the reservation was that the States should not be restrained from laying duties of tonnage for the purpose of clearing harbors. Other objects were named in the debates, and among them the support of seamen. Mr. Madison, treating on this subject in the Federalist, declares that 'the restraint on the power of the States over 'imports and exports, is enforced by all the arguments which 'prove the necessity of submitting the regulation of trade to the 'federal councils. It is needless, therefore, to remark further 'on this head than that the manner in which the restraints is 'qualified seems well calculated at once to secure to the States a 'reasonable discretion in providing for the convenience of their 'imports and exports, and to the United States a reasonable 'check against the abuse of this discretion.' The States may lay tonnage duties for clearing harbors, improving rivers, or for other purposes, but are restrained from abusing the power, because before such duties can take effect the 'consent' of Congress must be obtained.

"Under this wise system, the improvement of harbors and rivers was commenced, or rather continued, from the organization of the Government under the present Constitution. Many acts were passed by the several States levying duties of tonnage, and many were passed by Congress giving their consent to those acts. Such acts have been passed by Massachusetts, Rhode Island, Pennsylvania, Maryland, Virginia, North Carolina, South Carolina, and Georgia, and have been sanctioned by the consent of Congress. Without enumerating them all, it may be instructive to refer to some of them as illustrative of the mode of improving harbors and rivers in the early periods of our Government, as to the constitutionality of which there can be no doubt."

Such was the authority of Mr. Polk, and he rested not on his own authority merely, but he quoted from the same high authority which has been cited by the Senator from Michigan. In speaking of the great abuses into which we were about to run by this system of appropriating money for internal improvements, the rapid progress that was making, the accelerated pace with which it was moving when checked by General Jackson, he says:

"His veto of the Maysville road bill was followed up by his refusal to sign the 'Act making appropriations for building light-houses, light-boats, beacons, and monuments, placing buoys, improving harbors, and directing surveys;' 'An act authorizing subscriptions for stock in the Louisville and Portland Canal Company;' 'An act for the improvement of certain harbors and the navigation of certain rivers,' and finally, 'An act to

improve the navigation of the Wabash river.' In his objections to the last named, he says:

"'The desire to embark the Federal Government in works 'of internal improvement prevailed in the highest degree dur-'ing the first session of the first Congress that I had the honor 'to meet in my present situation. When the bill authorizing 'a subscription on the part of the United States for stock in 'the Maysville and Lexington turnpike company passed the 'two Houses, there had been reported, by the Committee on 'Internal Improvements, bills containing appropriations for such 'objects, exclusive of those for the Cumberland road, and for 'harbors and light-houses, to the amount of about $106,000,000. 'In this amount was included authority to the Secretary of the 'Treasury to subscribe for the stock of different companies to 'a great extent, and the residue was principally for the direct 'construction of roads by this Government. In addition to 'these projects, which have been presented to the two Houses 'under the sanction and recommendation of their respective com-'mittees on internal improvements, there were then still pend-'ing, before the committees and in memorials to Congress pre-'sented, but not referred, different projects for works of a 'similar character, the expense of which cannot be estimated 'with certainty, but must have exceeded one hundred millions 'of dollars.'

"Thus, within the brief period of less than ten years after the commencement of internal improvements by the General Government, the sum asked for from the Treasury for various projects amounted to more than two hundred millions of dollars. President Jackson's powerful and disinterested appeals to his country appear to have put down forever the assumption of power to make roads and cut canals, and to have checked the prevalent disposition to bring all rivers, in any degree navigable, within the control of the General Government. But an immense field for expending the public money and increasing the power and patronage of this Government was left open, in the concession of even a limited power of Congress to improve harbors and rivers; a field which millions will not fertilize to the satisfaction of those local and speculating interests by which these projects are in general gotten up. There cannot be a just and equal distribution of public burdens and benefits under such a system; nor can the States be relieved from the danger of fatal encroachment, nor the United States from the equal danger of consolidation, otherwise than by an arrest of the system, and a return to the doctrines and practices which prevailed during the first thirty years of the Government."

* * * * * * * * *

"Should any great object of improvement exist in our widely extended country which cannot be effected by tonnage duties

levied by the States with the concurrence of Congress, it is safer and wiser to apply to the States, in the mode prescribed by the Constitution, for an amendment of that instrument whereby the powers of the General Government may be enlarged, with such limitations and restrictions as experience has shown to be proper, than to assume and exercise a power which has not been granted, or which may be regarded as doubtful in the opinion of a large portion of our constituents. This course has been recommended successively by Presidents Jefferson, Madison, Monroe, and Jackson, and I fully concur with them in opinion. If an enlargement of powers should be deemed proper, it will unquestionably be granted by the States; if otherwise, it will be withheld; and in either case their decision should be final. In the mean time I deem it proper to add, that the investigation of this subject has impressed me more strongly than ever with the solemn conviction that the usefulness and permanency of this Government, and the happiness of the millions over whom it spreads its protection, will be best promoted by carefully abstaining from the exercise of all powers not clearly granted by the Constitution."

Thus were we progressing when that man of pure heart, of iron will, of lofty character, and of sound judgment, arrested the onward and downward tendency of the time. Now, we are asked again to embark in the same ruinous policy. Who does not know that this is but the first step, the entering wedge; that, on every item here introduced, without survey, without estimate, we shall next year be told, You have already made appropriations for this object; you have commenced the work, and we only ask you to finish it? With what propriety will you hereafter say, we require surveys, estimates, proofs, before we enter upon such appropriations? You have launched forth upon this sea of speculation. You permit yourselves now to incorporate items into the bill without any authority to sustain them. Henceforth any one who can bring forward an application, which by combination or otherwise will command votes, has but to ask for an appropriation, and it will be given. Some of the States have very little interest in this bill. Why is this so? If it were said that it is because there is not sufficient importance in the object, I should be able to prove that this is not the case. If it be said that it is because the members of those States did not press for such appropriations, then, in my opinion, it is honorable to them that they did not. Under the system to which I have referred, every harbor which has an important commerce would readily be able to make the necessary improvements within it. Every river which bears

the wealth of millions and is of real national importance, will be able, without charge upon the general Treasury, to make all the improvements required upon it; but those which rest purely upon political combinations, those which are granted merely for political purposes, would fall before the requirement that the duty should be levied from the people who are to be benefited by the measure. If the veto of the bill of 1846 was Democratic then, if it was right, if it was sound in principle, then I ask, can the Democratic party adopt this bill? About forty-five of the items vetoed in the bill of 1846 are found in this. The principle is exactly the same, the errors being more gross and the inequality greater.

It is not to be expected that those who choose to risk their fortunes in the first settlement of a country, will find harbors and rivers improved, navigation and commerce at their doors. They must wait until time has developed the resources of the country. They must wait until commerce is able to bear the burden. They reap other advantages of being pioneers in a new country; and they could not expect to possess all. When the commerce is sufficient to support it, when the population is sufficient to execute it, then the improvement comes as a matter of course. Till then, let us wait. And as to the indignation which is to be created by refusing to make such an appropriation, I, as an individual, am quite willing to meet my share of the responsibility; as a Democrat, am quite willing to risk the party upon it—the party with which my hopes are associated. I trust that they will not be foundered by the gale which will follow the rejection of this bill. And if they are, I, for one, am willing to put the ship into such harbors of refuge as the ingenuity of members have been constructing. Aye, let the ship go down with our principles nailed to the mast. I hope she will yet preserve sufficient strength in her timbers again to float when the storm has passed away, her principles flying at her masthead, dearer for the storm by which they had been beaten. I prefer defeat to the triumph of expediency at the expense of principle. It is fair to infer, that if measures are put into a bill of which nobody has any knowledge, save that they are gratifying to certain sections of the country, that they were put there to command votes. This being the basis of our legislation, I ask what guide have we?

If I have wearied the Senate by adding to the already protracted discussion, it has been the result of a conviction that great and remote consequences depend on our present action. My opinions have been deliberately formed, and that they are

not of to-day or yesterday, has been shown by the extracts I have read from remarks made by me some years since, when I was a member of the other House of Congress. As a matter of duty to those whom I represent, and to the Constitution which I have sworn to maintain, I have presented the main grounds of my opposition, and in consideration of the little time which remains of this session, and the important business yet to be transacted, I have endeavored to comply with the anxiety of Senators by making my argument as brief as was consistent with being understood. If, contrary to my views of public interest and wise policy, this bill shall become a law, if in a period of profound peace and general prosperity, with a revenue exceeding that of any previous time, we shall, instead of extinguishing the liabilities incurred in the Mexican war, commence the foundation of a permanent debt, I ask gentlemen whose vision extends to the future, do not they see in this distance the coming of an indignation higher, and juster, and more enduring than that which they have foretold as the consequence of the failure of this bill? I appeal to my Democratic friends, they to whom the triumph inured when under the Administration of President Jackson the revolutionary debt was finally extinguished, and ask, are they willing to commence the formation of a national debt under circumstances which preclude the idea of its ever being paid, unless it be by special taxation? Are they prepared to avow that a national debt is a national blessing, or that the will of a majority of Congress is the measure of the powers of the General Government? If I make the appeal here in vain, I trust it will be heard by the masses who bear the burden of taxation.

The Senate then took a recess until six o'clock.

On rivers and harbors bill. March 3, 1851.

Mr. DAVIS, of Mississippi. I move, in the 213th line, to strike out the word "Texas" and insert "in New Mexico," so as to make the clause read—

"For removing the obstructions in the Rio Grande river, in New Mexico, $25,700."

I do not propose to strike out any portion of the dollars connected with this item, but merely strike out the words "in Texas" and insert "in New Mexico." I propose that, if the Senate insist on spending that number of dollars, they will at least expend it where they have a right to do so, and where they will not do it for the mere purpose of expending money in

violation of the treaty obligations existing between the United States and Mexico. I remarked on Saturday that the treaty obligations bound us not to interfere with the Rio Grande, where it was the boundary between the United States and Mexico. The Senate have just decided that they would not ask the consent of Mexico before proceeding with the improvement of the Rio Grande. This is a new mode of annulling the obligations of a treaty—a majority of the Senate overruling that which was done by two thirds of the Senate. In order that this matter may be fairly understood, I send to the Secretary the treaty of Guadalupe Hidalgo, and I ask him to read the 7th article of it.

The SECRETARY accordingly read the article, as follows:

"The river Gila and the part of the Rio Bravo del Norte lying below the southern boundary of New Mexico being, agreeably to the fifth article, divided in the middle between the two Republics, the navigation of the Gila and of the Bravo below said boundary shall be free and common to the vessels and citizens of both countries; and neither shall, without the consent of the other, construct any work that may impede or interrupt, in whole or in part, the exercise of this right, not even for the purpose of favoring new modes of navigation. Nor shall any tax or contribution, under any denomination or title, be levied upon vessels or persons navigating the same, or upon merchandise or effects transported thereon, except in the case of landing upon one of their shores. If, for the purpose of making the said rivers navigable, or for maintaining them in such state, it should be necessary or advantageous to establish any tax or contribution, this shall not be done without the consent of both Governments.

"The stipulations contained in the present article shall not impair the territorial rights of either Republic within its established limits."

Mr. DAVIS, of Mississippi. Thus it will be seen that we are very closely restricted. We are even prevented from introducing new modes of navigation, and confined to the strictest and sternest neutrality on that river. When the proposition was made to the Senate either to admit or deny the obligations of the treaty, I could not vote to deny them. I knew there was a treaty obligation in regard to the matter. I knew of no mode of getting rid of that treaty obligation, and I cannot understand the opposition of those who refuse to agree that such improvements shall only be made with the consent of Mexico. This I know, that this will lessen the number of Congressional

districts involved in the bill. I will not at present try to reduce the appropriation, but will try the amendment first.

Mr. BRIGHT. The clause of the treaty which has been read escaped my attention. I think it presents a question well worthy the consideration of the Senate. The reading of the treaty shows most conclusively that the United States have no power whatever to interfere with the navigation of that river without the assent of Mexico. It is a treaty stipulation that the United States shall not alter the navigation of that river. When Senators come to consider the treaty, I think they will decide that a very important question is involved in this, and that we ought to be careful how we make this appropriation. I voted against the amendment of the Senator from Mississippi, [Mr. FOOTE,] and I shall certainly change my vote if I have an opportunity of doing so. I therefore move to reconsider the vote rejecting the amendment offered by the Senator from Mississippi.

Mr. BADGER. I suppose that would not be in order while another question is pending.

Mr. DAVIS, of Mississippi. I withdraw my amendment for the motion of the Senator from Indiana.

Mr. DAVIS, of Mississippi. The Senator from Massachusetts argues this question as though the Rio Grande were a river similar to other rivers. He talks about the capacity to remove snags from the river. Does not the Senator know that there are no trees along that river to make snags? The obstructions are of a different character; they consist of ledges of rocks and sand banks. Though it may be very useful to the people of the United States, with their immense steam power, to make alterations in that river suited to their means of navigation, it would not satisfy the Mexicans. They require pools for their irrigation, which is far more valuable than their navigation. If you go to knock away natural dams in the stream, and to adapt it to steamboats, you take away all the pools with which they irrigate their fields. This you have no right to do; they never gave you the right. The river is peculiar; the navigation along it is peculiar; it has its seasons. It has even been reported that intervals have occurred where a sand bar has stretched across the stream. This is of a totally different character from most streams. There are a totally different character of obstructions to be removed. This must be considered in connection with the treaty; and it must be remembered that the people of Mexico did not surrender to us the right to improve the river without their consent.

Mr. DAVIS, of Mississippi. It has been so long since the decision of the Chair was given that I presume Senators have lost sight of it. I take no especial interest in the question. I shall not take issue whether the remainder of the paper shall be read or not. There were only two or three pages left, and it might have been read and re-read while we have been arguing whether it should be read or not. I take but little interest in the question of reading, because I have read the document myself, and presume most others have.

The PRESIDENT. The Chair will ask the Senator from Virginia to state his motion.

Mr. MASON. It was to lay the bill on the table.

Mr. DAVIS, of Mississippi. I trust I have nothing so peculiar in my mode of stating the subject. I was about to withdraw the appeal which I had taken. The Senate have discussed the question of reading the document until the whole subject is dead. If the reading were to commence at the point where it was interrupted, no one could establish the connection between the portion which has been read and that which remains. The object, therefore, in calling for the reading is lost by the motion of the Senator from Vermont. I have no desire to have it read after it has been broken off. I wanted it read in connection, when the few pages which were left would be in connection with what had gone before. I have now no interest in having it read, as that object has been defeated.

Mr. NORRIS. At the time the reading was suspended, when the Senator from Mississippi took his appeal, the yeas and nays were ordered on that question. I had the misfortune at that time to occupy the chair, and I insist now that the yeas and nays shall be taken.

The PRESIDENT. The Senator was right in the decision which he made. The Presiding Officer has no hesitation in saying that the decision was strictly in accordance with the parliamentary usage. The Senator from Vermont had a right to move to dispense with the reading of the paper. The yeas and nays having been ordered, they cannot be withdrawn without the unanimous consent of the Senate.

Mr. DAVIS, of Mississippi. I understand no such thing. I have no idea that the present occupant of the Chair understands what was the state of the question. It was not an ordinary question of the reading of a document which some Senator moves to dispense with. It was a document which the Senate had decided should be read. And when the reading had been recommenced and had proceeded at some length, a Senator

arose and moved to dispense with it. I hold that it is out of order.

The PRESIDENT. The Chair will take the sense of the Senate upon the question. The Senate had ordered the reading of the document by a vote of the Senate; that document was partially read, when a Senator moved to dispense with the further reading. It belongs to the Senate to say whether they will dispense with the reading or not. The question was raised whether it was proper to make such a motion, and on the decision of the Chair being announced that it was proper, the Senator from Mississippi took an appeal. The yeas and nays have been ordered on that question, and they cannot be withdrawn except by the unanimous consent of the Senate. The question is, is the decision of the Chair correct?

Mr. DAVIS. Before the question is taken, I wish to put myself right. I say nothing had intervened, and part only of the document had been read, when a motion was made to dispense with the reading of the remainder. I hold, that as only a part had been read when the Senate ordered the reading of the whole, the decision was not parliamentary.

Mr. CLAY. I think it was a parliamentary decision. When the Senator from North Carolina moved to dispense with the reading of the report there was no positive order to read the report, but the Senate overruled the motion to dispense with the reading. Sir, I hope it will be taken down by the stenographers that the reading of this report has occupied about one hour of the most precious time that any deliberative body ever had. Well, sir, the Senate overruled the motion to dispense with the reading; and has not the Senate a right to say at any time during the progress of the reading of a report that they will dispense with the further reading? This is the question: whether, as they refused to dispense with the reading at first, they have not the right to say, after an hour has been spent in its reading, they will dispense with the further reading of the report?

Mr. FOOTE. I merely wish to say, in perfect good humor, that really it seems to me nothing should excite us now; for we are getting on extremely well and very calmly. I was about to say that if the reporters should note the fact suggested, as it would be going out of their ordinary line to do so, I hope they will also report that the report which was refused to be read was of a very interesting character and a very scientific one, containing a vast amount of valuable instruction.

Mr. DAVIS, of Mississippi. The Senator from Kentucky

[Mr. CLAY,] for the second time in this debate, assumes to lecture members of the Senate, because of a course of opposition to this bill, in which I participate. He first raised the question of fairness in the assertion of a right to check the majority by the privileges of the minority; which involves the consideration whether the minority are entitled to parliamentary law or not. Who are these rules made for? For the stronger? They need no defence. If not for the minority, they are waste paper. They are made—rationally, necessarily must be made—to protect the minority in their rights, among which not the least is the right to be heard before they are required to vote. But now a Senator who has wasted hour after hour in speaking on petitions, on questions of reference, and on this bill, talks about the precious time wasted in reading the report. Why is time so precious consumed? Because the last hours of the session are wasted by that Senator and his trained band in insisting upon the further consideration of this bill.

The PRESIDENT. The Senator should not make such remarks.

Mr. DAVIS, of Mississippi. I choose to tell the truth. That should be in order. Is it in order for Senators to be lectured for doing what constitutional opinions require? Is it in order that the minority, who are contending under parliamentary rules for constitutional rights; who are resisting what they believe to be an encroachment upon principles as sacred as the preservation of the Union itself, should be rebuked because they do not passively yield to the dictation of the majority? If, sir, we live under a Government of fixed law; if the minority have rights of which the majority cannot justly deprive them, I ask where is the propriety of holding those censurable who take advantage of the rules made for their protection? Upon what foundation rests the claim of the majority to govern? Is it absolute? Is it a natural right, or is it conventional? I say conventional merely. It may be assumed by some that the majority have a natural right derived from the power, the force which belongs to them. It does not follow that the majority have the force, that they have the power to coerce the obedience of the minority. They may or may not have the natural right of the stronger. The claim here, so far as it is just, rests upon compact. It is conventional, and being conventional, is held subject to every limitation and restriction which belongs to the convention. The majority here have power to govern the minority only according to parliamentary rules —according to the constitution and laws of the land. I say,

then, that it is unjust and offensive to arraign the minority because they do not bow with submissive neck to receive the yoke of the majority wherever they choose to impose it. If this is a land of freemen; if we are worthy of those from whom we derive our political independence, it is not because we are in the minority that we will sacrifice our rights to dictation, however haughty the dictator may be. If we are legitimate descendants of those who, when few and feeble, contested the authority of the proudest Power upon the globe, and staked their lives, their property, and sacred honor on the issue, we can hardly be expected to tarnish so fair a fame by the abandonment of unquestionable rights and the surrender of constitutional opinions, to avoid the slight danger to which the manifested displeasure exposes us.

Mr. President, for three days I have endeavored here, as chairman of the committee to which the Senate referred certain questions, to report them back. For three days I have endeavored to report, as amended in committee, a bill which has passed the House and was entitled to the action of the Senate. Each day the morning business has been dispensed with, and a haughty majority, disregarding alike the usual form of proceeding and the wishes of the minority, have coerced the immediate consideration of their favorite measure. And now, in the expiring hours of the session, though every appropriation bill is waiting to be passed, we are driven onward by their determination to adhere to the river and harbor bill. Do they hope that our opposition will be withdrawn to prevent the defeat of the necessary appropriation bills? Or do they still reply on our dread of popular censure? Sir, if I stood here alone, and had the power to check the passage of that bill, though the thunderbolt of all the indignation which has been foretold were levelled at my head, I would meet it as the steeple meets the storm. I would be found, if it were possible for me alone to defeat such a corrupt scheme for plunder as this, and leave it to others to count the cost. In this, I am assured, is but expressed the feeling of others with whom I am associated—those who agree with me—that if the friends of this Administration are willing to embarrass it; if they are willing to paralyze it for the future; if they are willing to drive it to the call of an extra session—a measure which sacrifices every Administration brought to that necessity—let them do it. If we must sacrifice our constitutional opinions in order to prevent them from involving the country and embarrassing the Government, an intelligent people will assign to each the just

share of the responsibility for whatever results may ensue. Let the Government stop, if thus only the Constitution can live. They with whom it is a measure of local benefit; they with whom it is a mere question of expediency; they have the power to desist from this struggle. We, with whom it is a matter of principle, have not. I will not, if every appropriation bill should fail; I will not, though the functions of the Government should be suspended, though the Navy have to be ordered home, and the Army disbanded, and the ships and fortifications dismantled. I will not surrender the sacred principles involved, according to my belief, in the case as it is now made up in the Senate. It is time that speculation based on the supposition that the minority are alarmed at the weight of their responsibility should cease, and that members should ask themselves whether or not they are willing to close the session without providing the means to carry on the Government?

I said of this bill on last Saturday what I believed to be its true character. To-day I wished to be silent. I was prepared to vote promptly on amendments. But I am not, because one of those who are not willing to let it pass as reported, to be censured as constituting part of a factious opposition. I stated on Saturday, I believe, that this bill presents the question which has so long divided our countrymen into two great political parties. I consider that now we stand upon the ground marked from the foundation of this Union by political strife, the opposing theories of latitudinous and strict construction. Moreover, that we are now to meet the proposition whether, in a time of profound peace and unexampled commercial prosperity, we shall lay the foundation of a national debt, with all its corrupting influences, until we follow the steps of our ancestors of Great Britain, and load the laboring masses with oppressive taxation to support a favored class.

Mr. PEARCE. If the Senator from Mississippi will withdraw his appeal, I will move to lay the bill upon the table.

Mr. MANGUM. Can it be withdrawn?

The PRESIDENT. The yeas and nays have been ordered, and without general consent it cannot be withdrawn.

Mr. DAVIS, of Mississippi. I was quite willing to withdraw the appeal, for the purpose of permitting the Senator to move to lay the bill upon the table. I am anxious that the means of supporting this Government shall be supplied without the extraordinary expense of an extra session. I am anxious, so far as within me lies, to pass the regular appropriation bills

and avoid embarrassment to the Administration. Political relations are subordinate in my mind to the duty of my station, and I intend that the responsibility shall rest upon those to whom it belongs. I, for one, will not bear a single atom of that odium which must attach to those who defeat the appropriation bills, in order that they may carry over the heads of those who have constitutional objections a measure which will appropriate dollars and cents to the local or party interests with which they are most closely connected. I am prepared at any time to waive this question of appeal, if the Senate is prepared to proceed to its legitimate business—if it is prepared to cease from the discussion of a disputed power, and exercise that conferred upon them by preëxisting laws. I hold that, so long as this river and harbor bill is forced upon our consideration, we have a right to discuss it as fully as those have done who are its peculiar friends; that we have a right to present our case fairly before the country, and to exhibit those who are responsible for the defeat of the appropriation bills in their true light. It is no new question, and it must have been foreseen, when at the eleventh hour of this session the bill was introduced, that the State-rights Democrats of the Senate would resist this assumption of power by the Federal Government. Foreseeing this, I ask why it was forced upon us when only two days were left, and all the important appropriation bills were yet to be considered? Are they who resist, or they who force us to resistance, responsible for the consequences that may follow? I am willing to risk the judgment of my constituents and of the whole country on that issue.

Remarks of Jefferson Davis on bill for relief of the American Colonization Society. March 11, 1851.[1]

DOUBTFUL LEGISLATION.

Mr. DAVIS, of Mississippi, submitted the following resolution:

Resolved, That the Secretary of the Senate be instructed to certify to the President of the United States that Senate bill No. 4, entitled "An act for the relief of the American Colonization Society," was presented for his signature without the suspension of the 17th rule, which was necessary for such presentation having been agreed to by the Senate.

[1] Senator Davis resigned from the Senate in September, 1851, on accepting the nomination of the Democratic party for governor of Mississippi.

Mr. President, I thought the appropriation wrong, and I objected to the suspension of the 17th joint rule, which suspension would allow that bill to be sent on the last day of the session to the President. I have introduced the resolution because the bill went to the President and was signed by him without the suspension of that rule. Some information which I received last Winter from an officer serving on the African station, convinced me that the Colonization Society had really no claim on the Treasury. That information convinced me that the Colonization Society, instead of taking care of the negroes taken from the Pons, had actually apprenticed them to the Liberian negroes as redemptioners, and that they received the profits of the labor of these negroes. Besides, I did not think the Government had any right to interfere with the matter at all. I received a letter yesterday, which I wish to have read by the Secretary.

The letter which the honorable Senator wished to have read is as follows:

"SIR: As I perceive you have moved in the matter regarding the signature of the President of the United States to the bill recently passed by Congress for the relief of the Colonization Society, I beg leave, though a stranger, to suggest (if there is yet time to arrest its course) that the *justice* of that bill may be considered.

"In November, 1848. I boarded (in a boat with five men) the 'Pons,' and took possession of her, with 903 slaves on board. She was then about forty-eight hours sail from Kabenda, near the river Congo, and was bound to Brazil. She (the Pons) was got ready with a prize crew, and parted company with the Yorktown, Captain Bell, the next day, destined for Monrovia, to land the recaptured Africans. Some two months after this my ship arrived at Monrovia, and we found that only 756 slaves were landed, the rest having died on the passage. The Legislature of Liberia was then in session, and I was informed that they immediately passed an act causing these recaptured people to be apprenticed or bound out for four years to any of the colonists who would take them and give them food and clothing for that term, after which they were to be admitted to the rights of citizenship. I learn that all (save some forty) were thus taken as apprentices, and the few who were not found their way to the woods, &c.

"At the time of the slaves being landed at Monrovia there were about $200 worth of beans, rice, and farina on board the 'Pons' belonging to the captors. This, I am told, was appraised by three persons, charged to the United States Government,

and given to Dr. Lugenbeel, the agent, to feed the 756 slaves till provided for by the Liberian authorities.

"In my opinion—and I was on the coast of Africa nearly two years—this is the true state of the case, and the Colonization Society was not a sufferer to the extent of even $400.

"Until I went to Africa I fully believed in the benefits reported as conferred by that Society on the negro race I have changed my opinion, along with many others.

"In giving you this statement, sir, I beg that my name may be withheld from the public press or publicity. I court no celebrity, and desire only to perform my duty to my country. I was not aware, till the bill had passed, that it was before Congress.

"I have the honor to be, &c.

"Hon. JEFFERSON DAVIS, *U. S. Senate.*"

Mr. SMITH. I desire to inquire of the Chair whether the resolution is under consideration?

The PRESIDENT. It cannot be considered except by unanimous consent.

Mr. SMITH. I object.

DOUBTFUL LEGISLATION.

Mr. DAVIS, of Mississippi. I laid a resolution on the table this morning to the consideration of which the Senator from Connecticut objected.

Mr. SMITH. I withdraw my objection.

Mr. DAVIS, of Mississippi. It was a resolution which directed the Secretary of the Senate to make a certificate to the President of the United States of a fact, which he was to extract from the Journal, upon a question which came before the President as the executor of the laws of the United States. It seemed to me most extraordinary that any one Senator should wish to conceal from the President a fact which was closely involved in his duty as chief executer of the laws of the United States; that he should desire that the President should not be officially informed that a bill had been presented to him and received his signature without going through the different forms of legislation. I thought it extraordinary then. I think it extraordinary now.

Mr. BADGER. The objection has been withdrawn.

Mr. DAVIS, of Mississippi. Then I ask that the resolution be taken up for consideration.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DAWSON. I merely wish to ask what can be the object of this resolution or certificate? Can it change the law? Can it undo what has been done?

Mr. DAVIS, of Mississippi. That is a question which, not being a lawyer, I will not attempt to solve. It strikes me, however, as plain that, if a bill has not passed through the forms required for legislation, it is not a law; that the forms are essential; and that if they have been avoided, neglected, or evaded, it vitiates the whole proceeding.

Mr. ATCHISON. I would ask the Senator what does the Journal of the Senate show on that subject?

Mr. DAVIS, of Mississippi. The Journal shows that the rule was not suspended, and therefore that the bill ought not to have been presented to the President. But when he saw the bill signed by the Speaker of the House and the President of the Senate, having been passed by both bodies, it was not for him to inquire whether the rule was suspended or not. The only fault was in presenting it to the President of the United States. That is the fault which, to my mind, vitiates the whole proceeding. I do not say it does so. I leave that to others. I want the fact to be communicated to the President, in order that he may act understandingly when it comes before him, and that he may proceed in the matter as he thinks best, with all the facts submitted to him. I further insist upon it, because I was from the beginning opposed to the passage of the bill. I received information some time since that it was a fraud to be perpetrated upon the Treasury; that the negroes taken from the Pons were apprenticed to the Liberian negroes, —those who had gone from the United States and settled at Monrovia,—where they are working their way out. They were supported by nobody, and nobody had a claim upon the Treasury for their support. Believing that, I thought we ought not to pay the money. Upon the last day of the session, when the bill was introduced, having passed the House, and being sent back to the Senate, I happened to be one of those against whom there was a very apparent effort to point censure on account of speaking against measures. I chose, therefore, to kill it by a single word; not to speak upon it, not even to state my objections, but merely to say "I object," by which to check it and let it go over, if it was to be presented again, to another session, when I intended to utter all my objections.

This morning, having received a letter since the last day of the last session from another officer of the Navy who had been stationed in the African squadron, corroborating the state-

ments I had previously received, to the effect that these negroes were not supported by the Colonization Society, but were apprenticed to the Liberian negroes, I sent that letter to the desk to be read, taking it for granted that those who differed from me, who believed we had the power to appropriate money out of the Treasury for such objects, would at least see no just claim in this case, however they might differ from me on the general question. The reading of the letter was objected to. The consideration of the resolution was objected to. Now the objection is withdrawn. I only ask that the Senate will order the Secretary to furnish the President from the Journal a transcript of the fact which that Journal sets forth, for his guidance in this matter.

Speech of Jefferson Davis at Aberdeen, Mississippi, May 26, 1851.

(From Monroe Democrat, June 4, 1851.)

Aberdeen, Miss., May 29, 1851.

Mr. Editor:—To one born in the South—reared in the South—living in the South—and holding a common interest with the rest of her sons, in all she is, does, or is to be, in prosperity or adversity, in her rights and in her wrongs, it is at once consoling and animating, amid the gloom which has been cast over the land by the croaking cry of this "*glorious Union,*" as though we had no State or State Rights at all, to have the privilege of being one in an assemblage, witnessing occasions and scenes like those of Saturday and Monday last, 24th and 26th inst., when we had the pleasure of listening to the thrilling oratory of the able, talented, and truly patriotic warrior and Statesman—our Senator (for we have but one, God help us!) in Congress—Col. Jeff. Davis.

It having been announced on Saturday, that Col. Davis would again address the people, in this place, on Monday, the 26th inst., they gathered around the stand, in the grove on the Court-house square, about the hour of eleven, when the speaker ascended the stand amid the renewed greetings of his fellow-citizens of Old Monroe.

The Col. said that, whether at home by his own fireside, in the tented field, on the battle ground, or in the councils of the Nation, the highest object which could engage the attention of man, was that of discharging his duties to his fellow-man; and that among these, the first and most prominent of all, was

his allegiance, and patriotic devotion to his country. That he had tried, in every relation in which he had been placed, to do this. That his allegiance was, first, due to the State in which he lived. That it was only as a citizen of the State of Mississippi, that he owed whatever allegiance he might, to the United States. That his allegiance to the U. S., is founded upon, and emanates from his allegiance to the State of which he is a citizen. That he had opposed the passage of the so called adjustment measures in Congress, both when they were coupled together and when presented singly. That in January, 1850, the whole delegation from the State of Mississippi, (Foote included) joined in a letter to the Governor, stating that they had a "well-defined opinion" that California would be admitted as a State into the Union, with her Free-soil constitution, embracing within her limits an immense territory, by Congress, at the then session and that they regarded "the proposition to admit" her "as a State, under all the circumstances of her application, as an attempt to adopt the Wilmot Proviso in another form." He said that the letter, in question, asked for the views of the Governor, and the legislature, which was then in session; and elicited from that body, instructions to the effect that the Senators and Representatives in Congress, should, to the extent of their ability, resist the admission of California, by all honorable and constitutional means. That he has ever entertained the same opinion upon that subject that he did at the time of writing that letter. That coupling that bill with others, and calling them, altogether, by the magic name of Compromise Measures, did not change its effects upon the rights of the people of the South. It was the same bill afterwards that it was before that name was applied to these measures. If it was objectionable before, it was so still, and, even more so, because the company in which it was placed was all objectionable to the people of the South, and violative of their rights. That he had obeyed those instructions. He had opposed the admission of California, by his *speeches*, and by his votes, and "*by all honorable and constitutional means.*" He had done this, because in so doing, he was following the direction of his strongest feelings, and pursuing the dictates of his maturest judgment, after the fullest consideration, and the profoundest thought, which he was able to bestow upon the question. And that, if this had not been the case—if he had entertained opinions at variance with the instructions given, and those opinions had been such that he could not conscientiously yield them to the force of the views entertained by those

who instructed him, he would have resigned his seat in the Senate, and retired to private life. He said that the admission of California, so far as the question of slavery was concerned, was nothing more nor less, than the adoption by Congress, of the Wilmot Proviso in another form, with the insulting and degrading subterfuge added to it, of doing, indirectly and under another name, that which the people of the South had told them they should not do, and which its advocates dared not perform in the face of the Constitution, openly and before the world. To expect the people thus to be duped, and to attempt the duplicity, was adding insult to injury, and is not to be quietly and tamely submitted to by freemen of nerve and spirit.

The bill for the abolition of the slave-trade, and the conditional abolition of slavery, itself, in the District of Columbia—the territorial bill, for the organization of Utah and New Mexico—the bill for the dismemberment of Texas—all these he had opposed, with all his powers, believing them to be antagonistic to the spirit and genius of the form of our government, and detrimental to the interests, and institutions of the South. That for doing this, he had no apology to make, nothing to palliate, nothing to take back; there was nothing in all this, that he regretted, save the fact, that he had not been able to defeat them all.

He said that he was a candidate for no office of profit, trust or honor. That the people had already, conferred upon him an office, the unexpired term of which, comprehended within it as many years as he desired to remain in public life, and than which there was no station higher, that he wished to fill; and that therefore he might well be allowed the privilege of talking to, and holding counsel with people, as a citizen of the State, having a common interest, and a common destiny with them, in whatever good or evil befell the institution under which we live, and with which we are surrounded.

Col. Davis said that the fugitive slave bill, as it was passed —although it has been numbered with them—was no part of the miscalled compromise measures. That it was not the bill reported by Mr. Clay, as chairman of the committee of thirteen; but an entirely new bill, differently worded, and containing different provisions, drawn up by Mr. Mason, of Virginia, having no connection or relation whatever, to the so-called adjustment measures. He said that he voted for this bill, because it was but at attempt to carry into effect the plain principles of the Constitution, and to do justice to the border slave

States. But that it was a matter of very little direct interest to the planting States. And yet, notwithstanding this fact, the submissionists had threatened to dissolve the Union, if it were either repealed, or not executed. He was not willing to do so much, for so little; and this the more especially, since the border states, being the only parties directly interested, after we of the planting states had labored to give them the law by which they might perchance recover their slaves, had refused to co-operate with us, to enable our people to obtain an outlet for the black population of the country; joining in the cry of the "glorious Union," sustaining the odious so-called adjustment measures, and thus aiding in the attempt of the free-soilers to encircle us about with a cordon of free States, the direct tendency of which is to crowd upon our soil an overgrown black population, until there will not be room in the country for the whites and the blacks to subsist in; and in this way destroy the institution and reduce the whites to the degraded position of the African race. He, therefore, was in favor of excluding the slaves of the *border states* from the *planting states*, and he hoped that this policy would be adopted.

Col. Davis said that he had heard it said that the poor men, who own no negroes themselves, would all be against the institution, and would, consequently, array themselves on the side of the so called Union men—that the submissionists claimed them. But that he could not believe, that the poor men of the country, were so blind to their own interests, as to be thus cheated out of their privileges, which they now enjoy. That *now they stand upon the broad level of equality with the rich man.* Equal to him in every thing, save that they did not own so much property; and that, even in this particular, the road to wealth was open to them, and the poor man might attain it; and, even if he did not succeed, the failure did not degrade him. That no white man, in a slaveholding community, was the menial servant of any one. That whenever the poor white man labored for the rich, he did so upon terms of distinction between him and the negro. It was to the interest of the master to keep up a distinction between the white man in his employment, and his negroes. And that this very distinction elevated, and kept the white laborer on a level with the employer; because the distinction between the classes throughout the slaveholding states, is a distinction of color. Between the classes there is no such thing, here, as a distinction of property; and he who thinks there is, and prides himself upon it, is grossly mistaken. Free the negroes, however, and it would soon

be here, as it is in the countries of Europe, and in the North, and everywhere else, where negro slavery does not exist. The poor white man would become a menial for the rich, and be, by him, reduced to an equality with the free blacks, into a degraded position; and the distinction, at once, would be made that of —*Property*—of *Wealth*—between the classes, between the *Rich* and the *Poor*. The *rich man*, with his lands, and his other property, and his money, would be a rich man still. The *poor* would be *poor* still, and with much less chance than he now has of acquiring property, because of the numbers of mean and worthless free negroes, in competition with whose labor his own would have to come. And yet the tendency of the doctrines of the submissionists, is directly to invite further aggression from the North, and by this invitation, to bring about this very state of things. The non-slaveholder can see this, as well as the slaveholder. And seeing, and knowing his rights, he will defend and maintain them, as soon, if not sooner, than the rich man will. Then, he did not believe that the submission party had the exclusive right, which they claimed, or expect that the middle and poorer classes would co-operate with them upon this important question, affecting, as it does, their interests—their standing in the community—more than all others.

Col. Davis said that he had always thought, and sincerely believed, that the institution of negro slavery, as it now exists among us, is necessary to the *equality* of the *white* race. Distinctions between classes have always existed, everywhere, and in every country, where civilization has been established among men. Destroy them to-day, and they will spring up to-morrow; and we have no right to expect, or even to hope, that this Southern climate of ours, would be exempt from the operation of this Universal law.

Menial services have to be performed, by some one; and every where the world over, within the range of civilization, those persons, by whom the menial services have been performed, as a class, have been looked upon, as occupying, and are reduced to a state of inferiority. Wherever a distinction in color has not existed to draw the line, and mark the boundary, the line has been drawn, by *property*, between the rich and poor. *Wealth* and *poverty* have marked the boundary. The poor man stands in need of all his rights, and all his privileges, and therefore, this question is of the greatest, and the gravest importance to him; much more so than it is to the rich. The rich by siding with the party in power—the authorities that be, may always be safe. Not so with the poor. Their all is suspended upon

their *superiority* to the *blacks*—their all of equality, in a political and social point of view—the social equality of their wives, daughters, and sons, are all suspended upon, and involved in this question. It will not do to say that this is a fancy sketch, or that these things are too far in the distance, to be seriously contemplated. The tendencies are all in that direction, and if they are not met, and met promptly, and rolled back, or stayed forever in their progress, the wheel of revolution will roll on until the institution is crushed, the great object of the freesoilers accomplished, and the negroes freed.

But they have, if possible, still higher grounds than these. The constitution, the palladium of the liberties of the people, in more respects than one, has been violated, and that violation is to be continued, under the *implied* invitation of the submissionists, if they succeed in the present contest. And when once it becomes an established principle, that repeated violations of that instrument will be tolerated by the people—that they will submit—the poor man's liberties are all gone, and gone forever.

Col. Davis showed, and showed to the satisfaction of all fair minded men, who heard him, the mistaken and deceitful statements of the submission—dirt-eating—union-saving cry to the contrary notwithstanding—that the so-called adjustment measures were no adjustment at all. He showed that every one of them, were violative of the spirit of the compact between the states, and, in their tendency, destructive of the rights and interests of the people of the South. That there is more excitement, at this time, everywhere North and South, than there ever has been before, since the formation of the government. In the North, they are fighting against and condemning the fugitive slave law, in some States nullifying it, by legislative resolutions, and electing members to Congress, pledged to its repeal; and everywhere, in the freesoil States, in the church and out of it, they have declared it unconstitutional, contrary to their higher law principles, and pledged themselves to oppose its execution. In the *South*, nearly every body is dissatisfied with the so-called compromise measures, and every candid man will say so, whether he is ranked with the "glorious Union" party, or the States Rights men. None but the deepest-died federal submissionists, can be found, or heard to approve it. And these are called the adjustment measures, that were to "bring peace on earth and good will to men."

Col. Davis said that some of his remarks, on Saturday, had

been either misunderstood, or misrepresented. That it had been said that he was contending for a property qualification. In this, he said the grossest injustice had been done to his motives, and, as he thought, to his language, also: but that he might not perhaps, have been explicit enough to convey a proper understanding of his ideas to some. That no person was more opposed to a property qualification, either for office or for the right of suffrage, than he was; and the party with which he had always acted had ever been opposed to property qualifications. That what he intended to say, on Saturday, and what he would repeat was, that, in electing men to office, in a crisis like the present, the people should, if they desire their rights to be preserved, and their interests protected, be cautious, and particular not to elect men, to high political stations, and important public trusts, who held *no interests* in common with them—whose families were at a distance, beyond the limits of the State, and who could pack up all they had in a trunk, throw it on the stage coach, mount up and leave, within an hour, without even taking leave of any one. That they ought to have some identity—some interest in the welfare of the people. They ought not to be men, who had affiliated, and sympathised with the freesoilers of the North, and who were sighing to return to them. That when the people elected men, identified with them in feeling, and sentiment, and whose interest is their interest, whose destiny is their destiny, they had nothing to fear, and it made no difference, whether they had property, or not. He said so far from desiring a property qualification, that he had sometimes, almost come to the conclusion that the concentration of large, and overgrown estates into the hands of particular individuals, disqualified them, to defend their rights. That he knew of a county where there was more wealth concentrated in the hands of the few, than anywhere else in the State, and that they were the most low, and consummate submissionists to federal power, that he had ever seen anywhere. That he would resist a property qualification as he would resist the so-called adjustment measures.

Col. Davis, further, said that, when he spoke of men's being identified with the interests of the South, he did not mean (and he hoped that he should not be misunderstood again) that all men, who were born in the North, were unreliable; but upon the contrary, there were many, born and reared in the North, to manhood, and had since come to the South, who were as much identified, in interest and feeling, with the institutions of this country, as any one who had been born here, and, in some in-

stances, much more so than many; for instance, there was Gov. Quitman, and others, who might be mentioned. They had made themselves thoroughly acquainted with our institutions, liked them, and had adopted them from choice, and had as deep an interest in them as any one else. All such men as these were reliable. With the offices of the country, and the interests of the people, entrusted to the keeping of such men, we had nothing to fear.

The Col. said that it was frequently asserted, by the submissionists, that the South was placed in a better condition, so far as the territories were concerned, since the passage of the adjustment measures—since the passage of the Texas dismemberment bill, than she was before—that the citizens of the South, now had the right to migrate to any part of the purchase from Texas, and take their negro property with them. He said that this was not so. We were worse off, by far. That the North excludes the slaves of the South from Utah and New Mexico, by what they call the Mexican law, which, they say is still in force there. And by the resolution of annexation, Texas was admitted into the Union, upon condition that four new states were to be formed out of her territory, whenever the *population* might become sufficient, and Texas was, herself willing to the partition; and further, that all south of 36 deg. 30 minutes N. latitude were to be slave states and all north of that line were to be free States. But that, all of Texas, as she stood up to the time of partition, was slave territory. All of her territory, north of 36 30 has passed from her, by sale and purchase, into the hands of a freesoil government, and it is not to be expected, by reasonable minds, that those who compose the majority, in the councils of the nation, will consent for slavery to go there. The moment that Texas disposed of her territory, and parted with her right of eminent domain, the terms of her admission, to the exclusion of slavery north of the old compromise line, attached to it, and consequently slavery cannot go there. The Submissionists, then, are wrong, when they say that the South is benefited by the purchase. They could have gone there before; they dare not go there now, and take their slaves with them. That which was slave territory before, has been made freesoil, by the transaction; and that too, by taking largely more of the people's money to pay for it, than the country was worth. Furthermore, under the present system of raising the revenue, from which these ten millions, as well as the whole war debt which is the money price of the territories acquired from Mexico, have to be drawn, the

South pays greatly over, and above her rightful proportion. Thus she is made to pay for injuries done her—for the degradation heaped upon her by the hands of her enemies, who claim to be brethren to her children.

The Col. recommended non-intercourse with the North to every extent practicable. He said that we should build up manufactories in the South, encourage and sustain our own mechanics, patronise our merchants who purchase their stocks of Southern men, in Southern ports, educate the youths of the country, in Southern schools, and under the tuition of good State Rights teachers; in short in every employment, select the right sort of men—men imbued with the spirit of patriotism and devotion to the constitutional rights and interests of the South. He said that the time had been, when the North might have done us justice; but now she could not if she would. That her politicians had raised a spirit of wild fanaticism, which they could not control. We must now look to our own resources; and by our own united efforts stay the tide of further aggression. It can be stopped in this way alone, if it can be stopped at all.

Laid on the stand before Col. Davis, and addressed to him, was an elaborate series of sapient questions, handsomely written out and neatly folded up in fancy style, by some political exquisite, who

> "Put no name to the bottom of the same,
> The place where the name ought to go."

The Col. read them aloud, however, and said that he would have preferred it, and that it would have looked better, if the author had put his name to them, so that he might have been informed that they emanated from *somebody*. But he said that he would answer them anyhow. And he did so most satisfactorily to all candid and unprejudiced minds; whether he did so to the mind of the author or not.

Now doubtless the propounder of the questions felt as keen as a brier, quite foxy, and his head and his hands certainly congratulated each other upon the success of their joint labors, in the production of such stumpers as these. He had the speaker stumped, as he thought certain; because it was not information he wanted, for he never seeks that. He had enough of that article before, without seeking it. No wonder, then, that in the profundity of thought, and expansion of feeling, incident to the study necessary to evolve the principles, discover their connection with the propositions legitimately at issue, and before

the country for trial, and to embody them in the form of interrogatories, the author of them should forget his name. Great minds have done the like before. And if they, why not he? To big intellects it is said to be natural—*perfectly*. It is known who the author is; and to the *public* is tendered this apology in his behalf, not being willing that our Chesterfieldian submissionist, and dirt-eating question-grinder, should offer, the least, in his character for etiquette or decorum.

But to the questions—here they are:

"Will Senator Davis be kind enough to answer from the stand the following interrogatories?

"1st. Has Congress the power, *without* the consent of California, to extend the Missouri Compromise line to the Pacific; and should California refuse such consent, how is it to be accomplished?

"2d. Is it, in your judgment, the true policy of the South to insist upon an amendment of the Constitution of the U. S., so as to guarantee to the Southern States the institution of slavery in the territories? and if such amendment should be refused are you in favor of secession?

"3. Do you endorse the sentiments contained in Gov. Quitman's message to the called session of the legislature?

"4. Are you in favor of, or do you believe that it will be the duty of the people of Mississippi to go to the rescue and assistance of South Carolina, in the event she secedes for causes already in existence, and a collision with the Federal Government grows out of such secession?"

To the first question, the speaker replied that the time had been, when Congress might have run the line of 36:30 through the territories as indicated; and that the inhabitants of California, south of that line, at the time they were in convention preparing their constitution, did not desire a *State*, but did want a *Territorial government*. That it was the duty of Congress to have given such a government to them. This was not done, and California having been admitted as a State into the Union, if the line was extended thro' to the ocean, she must be consulted and her consent obtained.

To the second question, he said that he had always contended, and then believed, that the constitution as it stands, guaranties the right to the owners of that species of property, to take their slaves into the territories, and that, therefore, no amendment to that instrument for that purpose was needed. That all that was required upon that subject was legislation to protect that kind of property, like every other species of property

was, or should be protected. That it was the duty of Congress to protect, but not to destroy.

To the third question, he answered, that the Governor's message did not need his endorsement. That he could not say whether he approved everything set forth in that document or not. That it had been many months before the world; and he had never read it with a view of endorsing it. There might be some clause, or even principle in it, which he might not be willing to adopt. That, if he had been so unfortunate as to write a book himself, he would not endorse, wholesale, everything in it, upon the moment, and without re-examination. That something might thro' inadvertence, or even through overcaution, creep in, which when pointed out, he might not approve; and that there was but one book in the world which he would endorse; and that was the Bible. If the propounder of the questions desired an answer, he should have pointed to the clause, section or paragraph; or, at least, he should have given some indication by which it might be known what was sought after. Why didn't he state the principles embodied in the message, upon which he desired his opinion? He should have had it, said the speaker, for or against it. If I approved it, I would say so; if I disapproved, I would speak it out. I have nothing to conceal.

To the fourth question, the Col. replied, that he did not think it best for South Carolina to secede for what had been done; nor did he think she would do so, provided she was met in convention, and advised differently, by Mississippi, or any one, or more of the other Southern States. It was, however, not a question for him to determine. South Carolina was a sovereign State, having plenary power, and the right to determine, and the privilege to act for herself. South Carolina had the right to secede—the right to resume the powers delegated, by her, to the Federal government, whenever those powers were abused, or turned against her. She must, herself, be the judge of this, because there was no common arbiter to adjust the difficulties. He said that the right to secede, and the expediency of doing so, were very different questions. That he, who denied the right, denied the doctrines laid down in, and taught us by the Declaration of Independence. That he would not be willing to see Mississippi go out of the Union, alone, because she would in that event, have all the evils of the Union, without any of its benefits. And that as secession should be looked to, only as a last resort, when all other remedies fail, if the time ever does come for her to exercise that great reserved, and sovereign right,

there would be *other States having similar rights and interests to maintain, and similar wrongs and injuries* to redress; and that, therefore, she could never find it necessary to secede alone.

But, said Col. D., if South Carolina does secede, I say let her go—let her depart in peace. Let not the power of the Federal government be prostituted to the unholy purpose of forcing a seceded state back, against her will, into the Union. The right to go, or stay, is hers. Let her exercise it. To attempt to coerce her would be an unwarranted, dangerous and alarming stretch of power, on the part of the general government, wholly unknown to the Constitution; and such an act as should at once and forever, be resisted by every one, who has, either, any regard for the rights of the States, or attachment to the constitution. The government of the United States, is but the agent of the States, who are her principals; and to contend that she has the right to coerce a State, is but to assert that the agent is superior to its principal—that the creature is greater than the creator.

And said the Col., if South Carolina does go out, and the Federal government attempts to force her back, and a collision ensues, I answer yes! I am in favor of the people of Mississippi going to the rescue, and assistance of that State. I, said he, have ever been opposed to the use of the army and navy of the United States—the common agent of all—to coerce any one of the members of the Union—any one of her principals into any measure. There is no authority in the Constitution for the exercise of such power. It is contrary to the spirit and genius of the whole organization and structure of the government. It is contrary to the idea of the sovereignty of the states, which has never been denied, but always admitted, in theory, at least. That the right to coerce a state, was denied in the Convention that framed the Constitution, when the question was directly up, proposing to give to the general government, the power in question. That even General Hamilton, with all his high notions of a strong government, disapproved of the monstrous proposition. He said that this was not a government of *force*, but one of interest, affection and patriotism.

When he spoke of his country's rights, and his country's wrongs, and the proud position assumed by the State two years ago, while all were together upon this important subject, which now divides the parties—when he called upon the people to send resistance men to the Convention, to sustain their State, at the ballot box, and not to permit her to sully her escutcheon, with a braggart's boast, by recoiling from her position—when

he invoked them to meet South Carolina in convention to devise ways and means to obtain their rights, and preserve the Union; and not to leave that noble State to herself, stung, goaded, mocked and abandoned, to retire from the Union, with disgust, and contempt for those who should have been her friends and advisers—and when he showed that Mississippi had it in her power to save the Union—the speaker was at once profound, philosophic, logical, eloquent and sublime. His eyes expanded, brightened, and flashed forth a fire that at once bespoke the patriot's heart, and the warrior's nerve.

But this communication must be brought to a close. It has already been extended far away beyond the limits originally designed to bound its conclusion, and yet the tithing of what was said, has not been told; and still too much injustice has been done to both the speaker and the speech. I'll do no more.

ZANONI.

Jefferson Davis to J. H. Robinson and others.[1]

(From Monroe Democrat, August 6, 1851.)

Warren County, Mi., July 18, 1851.

Gentlemen:—

Accept my sincere thanks for your kind consideration, as shown in your letter of the 25th ultimo, inviting me to attend a public Dinner to be given at Athens, on the 24th instant.

Being under an engagement to attend on a similar occasion, at Gallatin, Copiah county, on the 23rd inst., it will not be in my power to partake of your hospitality as invited. I have long desired to visit my friends at Athens, and deeply regret my inability to do so on the day designated. Participating fully with you in the motives and purposes of your present struggle, let me assure you that my heart will be with you on the day of your convocation, and throughout the contest in which you are engaged, to sustain the pledges Mississippi has given to the world, and by preserving the principles of the Constitution, to transmit to posterity the freedom and equality our Fathers left to us.

Usurpation has marked the history of all limited governments, and unless the States have the capacity to restrain this tendency in our federal government, its history must add another to the many instances in which power has trampled upon right, and the means which were given for protection, have been perverted to the oppression of the people; until all was engulphed

[1] Prominent citizens of Monroe County, Mississippi.

in the whirlpool of revolution. In your manly efforts to maintain the reserved rights of the states, and enforce the great purpose and fundamental principles of the Constitution, you have adopted the only mode which, to my mind, can, or should preserve the Union of these States.

JEFFERSON DAVIS.

Committee of Invitation,

Dr. J. H. Robinson,	Hon. N. L. Morgan,
Col. Chas. Gates,	Dr. William Sykes,
Jacob Loughridge,	Geo. W. Hardy,
James E. Harrison,	J. M. Acker,
John Wise,	Lewis Nabors,

Benj. C. White.

Ethelbert Barksdale[1] *to Jefferson Davis.*

(From the Library of Congress Manuscripts Division.)

Jackson, September 19, 1851.

My dear Sir:

I have just received from Columbus, the enclosed letter, with a request to forward it to you at the earliest moment.

We have learned with great satisfaction, that you have accepted the nomination for Governor which has been so cordially and unanimously tendered to you by the Democracy. And we feel great confidence from the demonstrations which are being made in your favor, that you will carry the State. If our efforts are properly directed, I have strong hopes that we will retrieve our fortunes in November. Thousands of Democrats, not fully understanding the objects of the Convention, nor seeing the propriety of holding it, refused to go to the polls: while the Whigs endeavoring to profit by the occasion and secure the ascendency, turned out to a man. And there are many Democrats who voted the Union ticket, and would not sustain Gen. Quitman, but will give you a hearty support.

There are about 60,000 voters in the State. The so-called "Union" ticket received about 27,500—showing that it failed to command the votes of a majority of the electors.

[1] Barksdale, Ethelbert (1824-1893), an editor and political leader, was born in Rutherford County, Tenn., January 4, 1824. He early entered the profession of journalism, and was editor of the "Democrat," Yazoo City, Miss., and of the "Mississippian," Jackson, Miss., from 1845 to 1861. In the fall of 1861 he was elected to the Confederate Congress as representative at large from Mississippi; and was re-elected in 1863. After the war he edited the "Clarion," was active in politics, and a member of the national House of Representatives from March 4, 1883, to March 3, 1887. He died in Jackson, Miss., February 17, 1893.

We received your letter by Mr. Sims; and have noted your suggestions. We will endeavor to profit by them. We desire you to give your views respecting the proper mode of conducting the canvass, without reserve.

I would suggest the propriety of getting your address before the people at the earliest practicable period. But little time is left us for work, and it is important that every moment be improved. When it is received, we will issue it by thousands in extra-form, so that it will find its way to the hands of every voter.

Accompanying this I herewith send you a *Flag of the Union* of to-day. You will find on the 1st page of it, a letter which some imprudent friend wrote to South Carolina. I think, it is Judge Hutchinson's. I will see him today and if he is the writer, will obtain from him a note to the effect that it was written on his individual responsibility, without the suggestion or approval of the party. You will see the use made of your name in the letter. It is a misrepresentation. You have on occasion said you were in favor of a "confederacy of the Cotton States." All our caution will avail nothing, while letters from half-crazy members of the party are thrown before the public to influence the election.

Wishing you a speedy restoration to health, I am, in haste,

Truly your friend
& obt' svt'
E. BARKSDALE

Hon. Jefferson Davis

Jefferson Davis to John I. Guion.[1]

(From the Mississippi Department of Archives and History.)

Brierfield Sept. 23, 1851

To his Excellency
J. I. Guion
Govr. of Mississippi,

Sir:

Having become a candidate for the office of Governor, I hereby tender to you my resignation of the office I hold, that

[1] Guion, John Isaac (1802-1855), a lawyer, was born in Adams County, Miss., November 18, 1802, was educated in Tennessee, where he subsequently read law, at the Lebanon Law School, and was admitted to the Tennessee bar. He returned to Mississippi, and settled at Vicksburg, forming a partnership for a while with S. S. Prentiss. Being elected to the State Senate, he became president of that body, and following the resignation of Governor Quitman in 1851, was for several months acting governor. He was then elected Circuit Court judge and held the office until his death, June 26, 1855.

of United States Senator from the State of Mississippi. I have not sought, or under existing circumstances desired to escape from the labors, & responsibilities of that station, & have been induced solely by these considerations; the two offices being incompatible; if elected to that for which I am a candidate, I must necessarily vacate the other; if not elected, I should view it as such an evidence of the disapprobation of my public course by my constituents, as would require me to return to them the trust which has been confided to me.

I have the honor to be,
Your Obt sevt.
JEFFN DAVIS

From John I. Guion

(From the Mississippi Department of Archives and History. Letter Book of Governor Guion.)

Executive Department,
Jackson Sept 26 1851

Hon. Jeffr. Davis,
Sir:

Your letter of the 23th inst; resigning your seat as a Senator of the United States from the State of Mississippi has been received

I have the honor to be
very respectfully
your ob sevt
JNO. I. GUION

Nomination of Jefferson Davis for Governor of Mississippi

(From Southern Press, September 27, 1851.)

TO THE PEOPLE OF MISSISSIPPI.

The committee which was appointed by the convention which was held in the city of Jackson on the 16th and 17th day of June last, to fill by nomination any vacancy which might occur in the ticket which was then offered to the people, has been relieved of the necessity of indicating a suitable candidate to supply the vacancy occasioned by the withdrawal of Gen. Quitman. The people, and the Democratic press of the whole State, have already nominated Col. Jefferson Davis for governor of Mississippi. We regard, therefore, Col. Davis as the candidate

of the people, and we will not withhold the expression of the ready and cordial concurrence of the committee.

E. C. WILKINSON, Chairman.

Jackson, Sept. 16, 1851.

Jefferson Davis to E. C. Wilkinson.[1]

(From Mississippi Free Trader, Sept. 27, 1851.)

Brierfield, September 17, 1851.

E. C. Wilkinson, Chairman, &c.:

Sir:—I have the honor of acknowledging the receipt of your letter of the 16th instant, informing me that the Committee, which was appointed by the Convention in June last to fill any vacancy which might occur in the State ticket then nominated, had met, and found that the vacancy occasioned by the withdrawal of Gen. Quitman had been already filled by the people and the Democratic press of the whole State, having nominated myself for the vacant post, and that the committee gave to that nomination their concurrence. Your letter also informs me, that the committee were aware that the state of my health would not permit me to engage in the canvass.

Under such circumstances, I have only to reply that my whole political life has been devoted to the Democratic cause, and the maintenance of those principles in which originated the party of strict construction, and faithful adherence to the Constitution. It is not in an hour when clouds have darkened our fortune that I can refuse any poor service it is still in my power to render. That cause, and those principles, seem more dear to me now than in the day of their triumph.

As soon as my health will enable me, I will prepare an address to the people, in answer to this nomination, my acceptance of which has been taken for granted. At present, I can only return my thanks to the committee, and, through them, to the Democracy of the State, for the confidence they have thus manifested in my willingness to meet any responsibility, or make any sacrifice for the principles I have always advocated, and which I still believe to be essential for the preservation of that constitutional liberty we inherited from our revolutionary sires.

Very respectfully, your friend,

JEFF'N DAVIS

[1] Judge Edward Cary Wilkinson of Yazoo City, Mississippi; one of the leaders of the Democratic party in Mississippi. He was an uncle of Senator Edward Cary Walthall, "The Ideal United States Senator."

James Blair and others[1] *to Jefferson Davis.*

(From Southern Standard, Columbus, Miss., Sept. 20, 1851.)

Columbus, Miss., Nov. 11, 1850.

Hon. Jeff. Davis:—Dear Sir: The undersigned, citizens of Lowndes county, ardently attached to the Union and the Constitution as framed by our fathers—which recognises no inequality between the different portions of the confederacy, have contemplated with increasing anxiety the action of the last Congress, which they fear tends to an alienation of the affections of the people from the former, and a perversion of the intent and spirit of the latter, have nevertheless rejoiced in the conviction that upon you, at least, they can confidently rely for a firm, able and manly maintenance of their rights, uninfluenced by the hope of promotion, and unawed by the fierceness of opposition from without.

A statesman recognising first his allegiance to the State that loves him, and possessing ample ability to discern her rights, and true interests, and integrity, and firmness to defend them, is entitled to the invigorating voice of an *approving* constituency. We therefore, in consideration of *your invaluable* and *distinguished services during the session of Congress* just expired, and our high admiration for your public and private virtue, tender to you a public dinner in this county at such time as may be compatible with your numerous engagements.

We are, sir, your friends and obedient servants,

James Blair, W. H. D. Carington, R. W. Watson, A. F. Young, John A. Jones, Geo. B. White, L. W. Carter, James Jones, jr., George Whitfield, A. K. Blythe, Calvin Perkins, John Lindsay, Joseph W. Goodman, James Whitfield, J. D. Montgomery, R. Littleton, W. J. Smith, W. H. Oram, J. A. R. Jones, R. S. Timberlake, Sam. B. Malone, John J. Fernandis, Joel J. Halbert, G. H. Barksdale, O. B. Brown, B. Swearengen, Wm. M. C. Mimms, Chas. W. Brown, T. A. Wakefield, Eli Abbott, Thos. B. Brooks, John C. Cox, jr., John W. Foster, James M. Wynne, Isaac Heron, Wm. Barksdale, Beverly Matthews, T. Sharp, Thos. W. Harris, W. W. Lester, Stephen Cocke, D. P. Blair, A. N. Jones, J. Isaacs, A. S. Humphries, A. W. Lampkin, Perry Mullin, J. J. Thurman, Thos. N. Love, John C. Tutle, George Frazee, F. A. Henry, E. B. Ward, Richard Barry, Wm. L. Lipscomb, Robt. F. Matthews, J. A. Timberlake, Charles

[1] Leading Democrats of Columbus, Lowndes County, Mississippi.

McClaran, Geo. H. Lipscomb, H. H. Worthington, John C. Cox, sr., Richard Wood, A. C. Jennings, James Lauderdale, Robt. McIlvain, Hardy Stephens, P. A. Mullen, John A. Snell, J. H. Riley, G. H. Young.

Jefferson Davis to the People of Mississippi.

(From Mississippi Free Trader, Oct. 8, 1851.)

Fellow Citizens:—

Nominated as a candidate for Governor by the State of Mississippi, in the manner which has been already announced to you, the relations which have so long subsisted between us of Representative and Constituency are changed, and my name is presented for your suffrage for an office of a different character from those with which you have heretofore trusted me. With feelings of profound gratitude I offer you my acknowledgements for the undeserved honors you have heretofore bestowed upon me, and avail myself of this, the only mode, which my health enables me to adopt, to make a review of the course I have pursued as your representative to the Federal Government, and to state the general policy by which I will be governed if you should elect me to be your Executive.

Openly, and at all times avowing the principles of Democracy, as defined and established in 1798 and '99, and believing the best interests of the whole country, and the preservation of our government in its original purity, depend on the observance of those principles, I entered public life to maintain and uphold them. But though elected as a democrat, I considered myself a representative of the people, and feel pride in the conviction that the severest scrutiny into my public conduct, cannot find an occasion on which the zeal of the partizan has made me forget the duty of a representative.

In 1844, I advocated the election of Mr. Polk to the Chief Magistracy of the United States, and as a member of Congress, entered the House of Representatives at the first session which followed his inauguration. It was my good fortune to see the success of those principles we had advocated, by the repeal of a protective tariff, and the establishment of *ad valorem* duties, by the overthrow of a partial, wasteful, and corrupting scheme of internal improvements by the Federal Government; by the annexation of Texas—and generally by adherence to our cardinal principle, strict construction of the constitution. When in the discharge of that duty of the Federal Government which

requires it to repel the invasion of a State, we became involved in hostilities with Mexico, I voted to declare that war existed, and to provide the means necessary for its prosecution. When the sons of Mississippi, who had volunteered, and been received into the military service of the United States, were organized as a regiment, they elected me their colonel, and on notification of the fact, I left my seat in Congress and joined them on their way to Mexico. After our return to the United States, by expiration of the term of service, I again became your representative in the Senate of the United States.

When the treaty of peace was submitted to the Senate for ratification, I found it objectionable in many of its features, and endeavored to amend it with some success, but failed on that point which I considered most important—the modification of the boundary to be established between the two countries. I sought to obtain a mountain barrier which would include within the limits of the U. S. all the valley of the Rio Grande, a country which by its contiguity and climate, I felt would inure to our advantage, whilst it gave a boundary easily defended, and which separated countries so distinct from each other as to put far from us the probability of future collision; also to change the line from the Rio Grande to the Pacific, so as to secure the railroad route to San Diego, and a valley on which a settlement might be formed, which would best serve to restrain the Indians within our territory from incursions into Mexico. This amendment was sustained by but eleven votes. It was the settled policy to acquire territory by the treaty of peace. This vote left no hope that such a change of boundary could be effected, as I believed was desirable for the Southern States, and the question assumed to my mind this form: shall the treaty be ratified and the war terminated, or shall the treaty be rejected and hostilities renewed? Our army was in the capitol of Mexico, and was rapidly assuming a self-sustaining character. To continue the war must finally lead to the total destruction of the Mexican government, and in the phrase of the day, to the swallowing up of the whole of Mexico by the United States. There was a large party who desired this result, and Southern men of the highest stations were of it. Between two evils I chose the least, and voted for the treaty.

Long before the treaty was ratified, in anticipation of the acquisition of new territory, the North manifested its will both in and out of Congress, for the exclusion of Southern slaveholders from all participation in any territory which should thus be acquired. They had not shown the same desire to en-

gross either all the personal hazards, or pecuniary burthens of the war.

In 1848, various attempts were made to give governments to California and New Mexico, in connection with the territory of Oregon. A special committee was raised in the Senate, by which a bill was reported to give the highest grade of territorial government to Oregon, and the lowest grade of territorial government to California and New Mexico, with the restriction on the two last, that no law should be passed "respecting the prohibition or establishment of African Slavery." It provided for a judicial decision of the question in controversy, the Constitutional right of the owners of slaves to take that species of property into the territories.

I preferred a judicial to a congressional decision, both because I hoped it would be more just, and believed it would be more permanent. I did not doubt the constitutional right, nor fear the decision of an impartial tribunal. If rendered in our favor, we might more confidently have looked forward to legislative protection. This measure of compromise was treated with a marked want of consideration in the House of Representatives, where Northern power held control. It was promptly laid on the table without examination or reference, and a bill was passed for a territorial government of Oregon, without any provision for California or New Mexico. To this the Senate attached an amendment by which the Missouri Compromise was "declared to be in full force and binding for the future organization of the Territories of the United States, in the same sense and with the same understanding, with which it was originally adopted." In this amendment the House refused to concur by a vote of 83 to 121, and the Senate receded from its amendment by a vote of 29 to 25. I had striven, with many other Southern Senators and members for each of these plans of Compromise, and with melancholy forbodings witnessed their defeat. The Oregon bill as it passed, was in effect the usurpation of power by the Federal Government to exclude slave property from a territory of the United States. The assurance that the Missouri Compromise line would be extended to the Pacific at the next session of Congress satisfied some Southern members, and I have reason to believe, induced the President to perform the disagreeable task of approving the bill. I distrusted promises for to-morrow, of that which could have been as easily executed to-day, and, with all the ability I possessed, opposed the passage of the law.

The sectional controversy on the right of the South to intro-

duce her slaves into territories, the common property of the States, continued, and the opposition increased in rancour as it increased in power. The eventful session of 1850 found those territories which had been acquired from Mexico, still unprovided with government. For this, neither myself nor those who acted with me, were in the least degree responsible. We especially desired to give laws to the country, and protection to those citizens of the United States who might migrate to it, but the anti-slavery majority in Congress preferred no territorial government, to one which did not contain the prohibition of slavery, obviously relying upon the effect which the threat to enact such prohibition would have on the migration of slaveholders, and equally, perhaps, upon the knowledge that slave property, more than any other, requires the protection of the law. At this session, as at the one which preceded it, the committee on territories introduced bills for territorial governments, and for the admission of California as a State of the Union. They met with little favor from Southern Senators. The position was generally held by them that the power to admit new States did not confer a power to create a State, this being the objection which had been so ably presented by the committee on the Judiciary, in their report of the preceding session, on the bill to admit California as a State.

On the 29th of January, 1850, Mr. Clay introduced a series of resolutions, declaring that California, with suitable boundaries, ought upon her application, to be admitted as one of the States of the Union, and that as slavery did not exist by law in any of the territory acquired from Mexico, it was inexpedient for Congress to provide by law either for its introduction or exclusion, and that territorial governments ought to be established for all of said territory not included within the limits of California, without any restriction or condition on the subject of slavery. That the Western boundary of the State of Texas ought to be fixed on the Rio del Norte up to the Southern line of New Mexico, and thence with that line eastwardly, excluding any portion of New Mexico. That it was inexpedient to abolish slavery in the District of Columbia, whilst that institution existed in the State of Maryland, without the consent of that State, without the consent of the people of the District, and without just compensation to the owners of slaves within the District. That it was expedient to prohibit, within the District, the trade in slaves brought into it from States or places beyond the limits of the District, either to be sold there as merchandize, or to be transported to other markets without the District of

Columbia. That more effectual provision be made for the restitution of persons bound to service or labor in any State, who may escape into any other State or territory of the Union. That Congress had no power to prohibit or obstruct the trade in slaves between the slaveholding States, the admission or exclusion depending entirely upon their own particular laws. With more than ordinary unanimity, and with far more than ordinary severity, these resolutions were opposed by the Senators of the Southern States. They were attacked as soon as read, and most fiercely, by some who have since been the open advocates —the champions of that "compromise" scheme between which and this series of resolutions there is so striking a resemblance that their author has said there was no material difference.

It was evident that the power existed to bring California as a State into the Union, notwithstanding the gross defects and irregularities of the base, and we had little to expect for the protection of Southern interest in any territorial bill which would probably pass the two houses of Congress. In this condition of affairs, it was proposed to raise a special committee, to which should be referred the whole subject in controversy, in relation to slave property and the territories. I expected that a committee would be formed, equally representing the two great divisions of interest and opinion. From such a committee, alone, could any beneficial result have been expected. The committee, as organized, was composed of six Senators of non-slaveholding States, and six of slave-holding States; of the latter, one (Mr. Bell of Tennessee) had introduced resolutions which committed him to the admission of California as a State and to the partition of Texas. The Chairman, who, had the members been equally divided, would have held the balance of power, was Mr. Clay, of Kentucky, whose resolutions sufficiently indicated what his course would be. In addition to the bills reported by the committee on territories, the committee on the judiciary had reported a bill to provide more effectually for the recapture of fugitive slaves, and Mr. Benton of Missouri, had brought in a bill to reduce the limits of Texas below those claimed by her, as an independent State, before annexed to the Union. This last bill was strongly opposed at the time of its introduction, and arraigned, by my colleague, as one which would "Completely unsettle the question of a very [defective newspaper copy] in all the vast domain which it proposes to purchase from the State of Texas."

The special committee of thirteen united the bills from the committee on territories, for a State of California, for gov-

ernments for the territories of Utah and New Mexico, and for the establishment of the boundary of Texas, the latter "with inconsiderable variation," and reported them to the Senate as one proposition. The boundaries of California had not been reduced to suitable limits, as was proposed in Mr. Clay's resolutions, but still embraced the whole sea coast we had acquired on the Pacific, and retained their immense extent and unnatural form on the South and East. No objection as it existed against the bill when it came from the committee on territories had, to my mind, been removed; yet, strange to say, Southern Senators who had most promptly opposed those resolutions and that bill, were the advocates of this proposition from the "compromise" committee. I opposed them conjointly, as I had singly. My judgment assured me that there were radical defects in the case of California. I could not believe they were cured by attaching to the bill territorial governments, in which the vaunted merit was, that they did not contain the Wilmot proviso, because it was unnecessary; because, according to the report of the committee, "there was never any occasion for it to accomplish the professed object with which it was originally offered;" the action of the people of California being cited to establish this position. It was a poor satisfaction to me to be told that Congress would abstain from legislation, and that such non-action would work the exclusion of the South. Still less were the defects to be cured by taking territory from under the jurisdiction of a slaveholding State to transfer it to the custody of Congress and the control of a population who had already manifested their hostility to the institution of slavery. The last proposition was to me as odious as any other could have been. I found in it an unwarranted interference with the territory of a State, and a stain upon our country's history, by denying the justice of that claim, in defence of which we had prosecuted the war against Mexico.

But if my opinions had been less fixed, the question was closed by popular action in the State of Mississippi, and the specific instructions I had received from her Legislature, in their resolution of March 5th, 1850, in these words: "Resolved, That the admission of California into the Union as a sovereign State, with its present Constitution—the result of the aforesaid false and unjust policy on the part of the Government of the United States—would be an act of fraud and oppression on the rights of the people of the slave-holding States, and it is the sense of this Legislature that our Senators and Representatives should, to the extent of their ability, resist it by all honorable

and constitutional means." To these instructions I gave a cordial and sincere obedience, laboring, not with eye service, and giving but formal and *reluctant* compliance.

Yet ingenious falsehood has attempted to represent this as an offense, because certain anti-slavery Senators also opposed this "compromise" scheme, concealing the fact that other anti-slavery Senators supported it. If the judgment of those who make such misrepresentations had not been blinded by malice, they must have perceived that this was to arraign the people and legislature of Mississippi whose expressed will and instructions I obeyed. It is an instructive fact in the case, that when these combined propositions failed, and they again came up for consideration as separate measures, the opposition which had originally arrayed itself against them could never again be united. The Southern strength was lost by division; until, in the last struggle, the South offered but feeble resistance to measures which it had at first, with great unanimity, most firmly and sternly opposed. My own course was not confined to mere opposition. I strove to amend the so-called "compromise" bill, by giving that security to the property of the slave-holder, who might migrate to the territories, to which I felt his property, like all other, was entitled. I asked that the legislature of the territory should have power to pass laws for the protection of every kind of property which might have been, or should be, "conformably to the Constitution and laws of the United States, held in, or introduced into, said territory." Upon this general and equitable proposition Southern Senators were divided, and on July 23d, 1850, my colleague offered an amendment, "That the said State of California shall never hereafter claim as within her boundaries, nor attempt to exercise jurisdiction over, any portion of the territory at present claimed by her, except that which is embraced within the following boundaries:" the Southern boundary proposed was the parallel of 35 degrees 30 minutes; "and that a new territory should be established to consist of the country thus cut off." To which I offered the following amendment: "And that laws and usages existing in said territory, at the date of its acquisition by the United States, which deny or obstruct the right of any citizen of the United States to remove to, and reside in said territory, with any species of property legally held in any of the States of this Union, be, and are hereby declared to be, null and void." Mr. Clay opposed this amendment, on the ground of "non-intervention," and asked for the "difference the direct action of Congressional legislation upon the subject

of slavery, to introduce it, or to prohibit, and the exercise of this power to repeal existing laws within the territory, which existing laws have declared the abolition of slavery?'' It was against the doctrine that the Mexican law excluded slave property from the territory, which was held, I believe, unanimously by the Northern Senators, and entertained by some from the South, that my amendment was introduced. I did not doubt our constitutional right to take slaves into the territory, but I claimed for my constituents that that right should be recognized and protected; that this foreign obstruction to the enjoyment of their constitutional rights by citizens of the United States, should be removed; that it was the duty of Congress to relieve the citizens of the necessity of establishing this constitutional right, by an appeal to the courts. I denied that it followed, because we called upon the Congress of the United States to protect our property, that we therefore acknowledged the right to deprive us of that property; the first being a duty, the second expressly forbidden by the Constitution. My colleague opposed the amendment, as useless, and because he apprehended ''that the adoption of the amendment would put the bill itself in danger of defeat,'' arguing that the Constitution fully secured our rights; though on July 25th, 1848, when the circumstances were far more favorable than now, he held a different opinion—(see Congressional Globe, 1st Session, 30th Congress, page 998)—''He contended that slavery could not exist without legislative protection. If a man should take a hundred slaves into one of these foreign territories, and they should be disposed to rebel against him, what law is there to which he can appeal? And suppose a man comes to steal his slaves to carry them to the Pacific, and the owner threatens to appeal to the law; he will be answered, you can do nothing —there is no law in the case. There are many in this section of the country disposed to emigrate to California; but there was not one who would be such a dolt as to carry a slave there, because he could not hold him, in consequence of the hands of the local authorities being tied up, so that they could not interfere on the subject of slavery.'' The amendment was defeated—yeas 22, nays 33—not one Northern senator voting for it. My colleague voting against it.

I strove in every form to reduce the limits of California; but the eagerness of the anti-slavery majority to bring in another non-slaveholding State, and at once to exclude the South from that rich territory, rendered all such efforts unavailing. Arguments based upon the facts implied in the Missouri Com-

promise, reasons founded on physical geography, were unheeded by the majority, in their lust for sectional dominion.

Though the Southern Convention, which assembled at Nashville in June, 1850, of which our fellow-citizen, W. L. Sharkey, was President, had declared, as an extreme concession, that they were willing to divide the territory by the line of 36-30, extending to the Pacific ocean, treating it as a question of property, to be divided between the sections of the Union, so that the rights of both be adequately secured in their respective shares —yet those Senators who have been called in reproach, Southern Ultras, of whom I am one, voted for every proposition, by any line of division, to curtail the boundaries of California, and sustained it in so many forms, as to render it evident that no division could be effected. This was acknowledged by my colleague, who, speaking, August 6th, 1850, of the direct exercise of the power of this Government in restricting the boundaries of California, said he considered it "A very vain and useless thing to offer any such proposition. It has been voted down repeatedly. Such a direct proposition being hopeless of success, should we not try and attain the object in view by the only means in our power?" The mode he proposed was to submit to California after she had been admitted as a State, whether she would consent to divide her territory, which, I suppose, few of my constituents will consider would have been a benefit to the South, without some provision which would have protected the country from the prohibition against slave property contained in the Constitution of California.

By the defeat of the "compromise" scheme, I felt that several advantages were obtained. A new line for the division of Texas was adopted, which took less of her territory by some 30,000 square miles. Southern men were able to form a fugitive law more effectual than that which had been reported by the committee, and free from the very objectionable provision which required a master who re-captured his fugitive slave, upon application of the runaway, to enter into bond to try his right of property in the slave after his return to the State from which the slave had fled. It left each measure to stand upon its own merits, and more fairly submitted the action of Representatives to the decision of their constituents. The Fugitive Slave law which now stands upon the Statute book, and which has been claimed as the concession which should satisfy the South for whatever she had lost by the other measures, was not the bill of the "compromise" committee, but was introduced by Mr. Mason, of Virginia, a so-called "Southern Ultra," and mainly advo-

cated by that class of Southern Senators who opposed the "compromise." It did not pass like its predecessor of 1793, by Northern votes, but by the absenteeism of the North. The bill of '93 passed the Senate unanimously, and the House with but seven dissenting votes. The bill of 1850 received the support of but three Northern Senators, and 31 Northern Members. But had the North given such united support as their fathers gave, it surely could have been considered no concession to provide for the execution of a distinct provision in the compact by which the States are united. The necessity for such a law is a melancholy proof of the extent to which some of the States disregard a distinct obligation imposed upon them by the Constitution. For it is only when they are regardless of that obligation, that it can be necessary to call in the power of the Federal Government to legislate upon it. Yet we are turned aside from this consideration by the still more melancholy fact that the law is delayed and obstructed, even violently resisted, by mobs, sometimes wrung and tortured from its meaning and purpose, by judicial officers, to whom the property-holder looks for the maintenance of his right. In the Northern States there seem to be two great divisions upon the question of the restitution of fugitive slaves—the one who would resist the execution of the law, the other who would acknowledge its binding force as a law of the land—but there seems to be no party which justifies it upon its merits, or who declare themselves in favor of it as an original measure. The cry of repeal is answered by the proposition to modify.

Taking Mr. Webster as an exponent of that class who would neither resist the law, nor repeal it, we are not left in doubt as to the character of the modification which they propose. The bill introduced by him into the Senate, a short time before he left it, and to which he has referred in a recent speech, as indicating his view of the subject, required a jury trial at the place where the fugitive slave might be arrested. Such a modification would utterly destroy the efficacy of the law, and to my mind be more objectionable and offensive than its repeal.

I contributed whatever ability I possessed, to perfect and secure the passage of the fugitive slave law of 1850; seeking to make it as effectual as the power of Congress and the spirit of the Constitution would permit. I opposed the attempt to engraft upon the bill a provision which would have made the treasury of the United States responsible for slaves, the delivery of whom should be prevented by a mob, because I considered the compact to require the delivery of the property, and there

was no authority in the Constitution which would justify Congress in taxing the people to pay for property which should be lost by failure to execute that Constitutional duty, and further, because I believed, instead of promoting the restitution of the property it would lead to the reverse result, and become a species of emancipation of slaves in the border States, by general taxation. I did not expect that the law would effect everything which would be desired. I could not with the evidences around me expect that it would be faithfully observed. My zeal in its support, was rather due to the value I attached to the recognition of the principle it contained, and for which (though of very little pecuniary advantage to us), I am now in favor of insisting on the preservation of the law in all its essential features.

The only measure which the "Compromise" Committee originated, and judging from its character we may rejoice they did originate but one, was the bill in relation to the slave trade in the District of Columbia, which I consider a gross usurpation of power by the Federal Government, for which not even the much-abused plea of necessity can be offered in palliation.

In 1850 the Government retained, as the District of Columbia, only that territory which had been ceded by Maryland. By a law of Congress passed 1801, the laws of Maryland, which existed prior to the cession, were put in force in that portion of the District which had been received from Maryland. The Maryland law of 1796 therefore prevented slaves from being introduced into the District for sale from any other place than the State of Maryland, and the trade thus restricted, so far from being an evil, the increase of which requires legislation, had from other causes, so far diminished, that Mr. Mason, the chairman of the committee on the District of Columbia, made the following statement to the Senate. During the discussion of this bill, he said, on the 4th of September, 1851: "I am informed, upon enquiry, that the fact is, that within the last few years so few slaves were brought into this District for sale, for the purpose of exportation, that the trade or business which some persons engage in, of purchasing slaves for the purpose of selling them again, has dwindled down until it has almost ceased to have an existence." Had the power then existed to pass such a law as that to which I have referred, there was no exigency which called for its exercise.

It has, however, sometimes been stated that Congress but re-enacted the law of Maryland, and enforced in the District the

policy of that State. This is very far from true. The law of Maryland was in force, and the bill was to take from citizens of Maryland the right they had previously enjoyed to bring slaves into the county of Washington as into any of the counties of Maryland. The Maryland law of '96, like the Virginia law of '92, was to sustain the policy of those States against the further increase of slave population, and unlike the Congressional act of 1850, was not directed against commerce in slaves. They were passed before the constitutional prohibition against the further importation of Africans, went into effect and when the Northern States were adopting the policy of emancipation, and though general in their provisions, there is reason to believe were mainly intended to check the influx of slaves from the emancipating States, and to prevent the further importation of Africans. In support of this view, we find that in 1819 Virginia repealed her act of 1792, and permitted the introduction of slaves born within the United States, and the position was taken during the debate of the Senate, without being contradicted, that no prohibition now existed in the State of Maryland against the introduction of slaves from any other States of the Union. Not only, then, was the legislation of Congress dictated by a different motive from that of the States which made the cession, but was opposed to their present policy. The power of a sovereign State to pass such a law is no evidence that Congress may do the same thing. The legislation of a State extends to all subjects which are not prohibited, the legislation of Congress is limited to the grants of the constitution. To justify State Legislation, it is only necessary then to show that it has not been prohibited. To warrant congressional legislation it must be shown that it has been permitted. Congress has "exclusive legislation in all cases whatever" over the District of Columbia, and over all places purchased by the consent of the Legislature of a State for "forts, magazines, arsenals, dock yards, and other needful buildings."

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Exclusive, is not unlimited or plenary, and the phrase was, I think, only intended to imply that the State or States which should cede territory for a seat of government, or consent to the sale of sites for the purposes enumerated, should not thereafter exercise legislative power over such District or places. The power of Congress to legislate was to be drawn from the grants of the constitution, and be exercised subject to all its limitations and prohibitions. And if I am correct in this, the conclusion must follow that Congress has usurped authority not

delegated to it, and disregarded the prohibitions by which it should have been restrained. If I am not correct in this, then it follows that Congress, having plenary power within the District of Columbia, may establish their order of Nobility, or do any of the many things prohibited in the articles of compact between the States.

The first section of the law I am considering, is as follows: "Be it enacted, &c., that from and after the first day of January, eighteen hundred and fifty one, it shall not be lawful to bring into the District of Columbia any slave whatever, for the purpose of being sold, or for the purpose of being placed in depot to be subsequently transferred to any other State, or place, to be sold as merchandise. And if any slave shall be brought into said District, by its owner, or by the authority and consent of its owner contrary to the provisions of this act, such slave shall thereupon become liberated and free." The motion to strike out the first section of the bill above recited, was lost, yeas 19, nays 30. I voted with 17 other Senators from Southern States to strike out: my colleague voted against striking out. I considered it a gross usurpation of power, and an odious discrimination against slave property in the common territory, emphatically the neutral ground of the States. By the eighth section of the first article of the Constitution, Congress has power to "define and punish piracies and felonies committed on the high seas, and offences against the law of nations." These were the only crimes which Congress was authorized to define; but by the above section it assumed to define a crime hitherto unknown to the United States, and provide for it a punishment. The crime was the act of bringing a slave into the District of Columbia with the intention to sell him there, or to keep him there for a time, to be transferred elsewhere, to be sold as merchandise. The punishment was to deprive the owner of his property by declaring the slave liberated and free. By the fifth article in the amendment to the constitution, it was provided: "Nor shall private property be taken for public use without just compensation." But by this law a new crime was defined, not belonging to the cases enumerated in the constitution; private property was to be taken, not for public use, and without just compensation: as a penalty for the offence of violating anti-slavery sentiment, by exercising that right of ownership over a slave in the District of Columbia, which is a necessary incident to the possession of that, as all other species of property which may be the subject of commerce.

I considered it a violation of the great principle of free

trade within the States, which lay at the foundation of our constitution, and, more than any other cause, contributed to the formation of the present union of the States. If the right to pass freely with any species of property from State to State across the territory of other States be, as has been heretofore held, secured by the constitution, how could Congress deny the enjoyment of that right in the District of Columbia? But if a citizen of Maryland should choose to bring his slave to the State of Mississippi, for sale here, this law would prevent him stopping in the District of Columbia, and would punish such act by the emancipation of his slave. The word "depot" was not defined, and the fact was, there was no public place for the confinement of slaves, no slave market to which the word could apply.

I considered this law would be the triumph of abolitionism, which had so many years flooded both Houses of Congress with petitions and memorials against the slave trade in the District of Columbia. I anticipated such a shout as went up from the abolition camp, when it was hailed as "a most important measure in the sight of justice," of which the newly elected Senator, Sumner, said "It practically affixes to the whole traffic, wherever it exists, not merely in Washington, within the immediate sphere of the Legislature, but everywhere throughout the slave States, whether Richmond or Charleston, or New Orleans, the brand of Congressional reprobation." It was to assume the power to emancipate a slave for one reason; and I held that to admit this would be to surrender the whole question to the discretion of Congress, which might for any other reason exercise the same power, even to the extent of the total abolition of slavery in the D. C. The chairman of the "compromise" committee admitted the power, whilst he denied the expediency of exercising it, and Mr. Chase of Ohio, informed us that the slave trade bill was the first step, but not the last.

To these considerations, which were sufficient to have decided my course, were added expressions of popular will evincing the most decided opposition to such a measure. At a public meeting, held in Jackson, in May, 1849, Judge Sharkey, the presiding officer, made an address which received the most general commendation. In that address he referred to the resolutions of the Legislature in Virgina, in 1847, and those of 1849, protesting against any action of Congress on the slave trade and slavery in the District of Columbia, and said "We cannot but regard any legislations by Congress, either past or to come, which in any degree, either directly or remotely, may seem to give sanc-

tion to the authority of that body over the subject, as void for want of power, and in its tendency destructive of the principles of the Union which should be held inviolable in every feature." The Legislature of Mississippi passed a series of resolutions, approved March 6th, 1850, and, as violations of the constitutional and sovereign rights of the State, enumerated any law abolishing slavery in the District of Columbia, "or the slave trade between said District and any of the States." The Legislature must always be presumed to reflect the popular will. In my own case, I never questioned their right to instruct me, as the Senator of the State, nor did I require instructions to be formally given; it was enough for me to know the will of my constituents; it then remained for me only to choose between serving them according to their will, or returning to them the trust, with which they honored me.

At the last session of Congress, attempts were made to begin a stupendous scheme of Colonization of Free Negroes on the coast of Africa, by building and maintaining steam vessels at the public expense for that purpose. I opposed it, because it was not one of the objects for which the taxing power had been conferred upon the general government, and for many other reasons which the limits of this address, and the fact that the proposition then failed, induce me to abstain from offering to you. There was also a scheme for internal improvement by the general government, which I resisted, as I had on other occasions, and for such reasons as influenced me then. It also failed. I much fear, however, that both these measures will succeed in the next Congress, when I have but little doubt it will also be attempted to modify the tariff of 1846, by increasing the duties upon coal and iron. It has already been indicated in the press as an expectation of Pennsylvania founded upon the promises made by Southern members during the controversy on the so-called compromise of 1850. But without including such bitter, bitter fruit in the estimate, I ask, what did Mississippi gain by the "compromise"? By the admission of California, the balance of power in the Senate was destroyed, that which had so long been guarded by bringing slaveholding and non-slaveholding States into the Union by pairs; and the North here thus acquired the control of all the departments of government. Mr. Cooper, a Senator from Pennsylvania, an advocate of the "compromise," and signer of the "Union" party pledge, spoke of it as conferring on the North the power to prevent the further acquisition of slave territory, or the extension of slavery beyond its guaranteed limits. We must pay

our proportion of tax to supply the treasury with ten millions of dollars to pay for the purchase of a portion of Texas, and hereafter to supply the means of supporting a territorial government for the territory thus purchased; nor are we permitted to claim the advantage to be derived from the laws of Texas having once attached to the soil. Congress refused to recognize the limits of Texas as defined when annexed; adopting as the language of the bill "to cede all the claims to the territory" instead of the original phraseology "to cede all her territory," and refusing to insert the words "title and" before "claim," leaving the whole matter so undefined that no right could probably be supported by a reference to the previous local law. The whole transaction being marked by the never-to-be-forgotten fact, that whilst Congress held out the ten million inducement to Texas to sell her territory, the President threatened her with the army and navy, if she attempted to hold possession of it.

Was the power which had been asserted for Congress to exclude slavery from the territories abandoned? No. Its exercise was only abstained from. The Missouri compromise was effective in all the territory we previously had, and the Mexican law was relied on for the recent acquisition; yet when the proposition to prohibit slavery in the territory was directly presented, the vote stood, yeas 20, nays 25, but four Northern Senators voting against it, although they had the entire confidence in the efficacy of the Mexican law, and the incompatibility of the climate to slavery. Mr. Webster said, March 7th, 1850. "Sir, whenever there is a particular good to be done—whenever there is a foot of land to be stayed back from becoming slave territory, I am ready to assert the principle of the exclusion of slavery;" and he went on to say he had been pledged to that since 1837, but was unwilling to do a thing unnecessary and offensive, and which would disgrace his own understanding. Are we not led to infer, are we not compelled to believe, that the Wilmot proviso will be revived, whenever it shall be deemed necessary for the exclusion of slave property from any territory of the United States?

The fugitive slave law must have been of little value to the people of Mississippi if it had been faithfully executed, instead of being evaded, obstructed, sometimes resisted even to the hazard and loss of life of the master who followed his fugitive slave.

The slave trade bill was offensive and a dangerous usurpation of power on a subject which cannot be too jealously guarded.

I have thus, my fellow-citizens, at greater length than I de-

sired, yet too briefly for a full exposition, reviewed the principal events, of my course as your Representative in the two Houses of Congress, and I submit it to you for your approval or disapproval with the consciousness that I have failed in much from a want of ability, and not doubting that I have committed many errors, yet with the consoling conviction that I have never failed in zeal, or knowingly departed from the policy of the State. I have stood in the midst of high excitement on questions of a sectional nature. I have heard others announce what would produce, and what would justify a dissolution of the Union. I have done no such thing—that, I have always held as a question for the people of the State alone to consider and decide, and have said, on more than one occasion, that the honor of Mississippi, and my own honor, did not permit me to contemplate the destruction of the government of which I was a part, and to which I was accredited as a Representative of Mississippi. I always held that the true position of the South was to stand upon the defensive, and battle for our rights from behind the barriers of the Constitution. My position being such as I have described it, I held that it was offensive in any one to insinuate against me a want of fealty to the Union, and therefore, in the Senate, where I was surrounded by those who had had an opportunity to observe my course, I said if any one charged me with being a disunionist, I would answer him in monosyllables. In like spirit, I replied indignantly to a Senator who said he did not believe that Mississippi was in favor of a dissolution of the Union, and asked him "who ever said Mississippi desired to dissolve the Union? In Mississippi it has been spoken of but as an alternative, a last recourse, and a remedy to which they would resort only when they were bound as freemen to surrender their inheritance, or adopt the last argument in order to maintain their Constitutional rights. You could not, throughout the length and breadth of the State, find a corporal's guard who desires to destroy the Union of the Constitution—the Union, as it was formed by, the Union as transmitted from, their Revolutionary sires." I always took the position that upon any question involving the relation of Mississippi to the Federal Government, I should wait for and abide by the decision of the people; that my first, my last allegiance was due to the State, and my services should be hers whenever, and however she might please to command it. Consistently with this view, and the position heretofore referred to, I could not, and did not assume to decide what the State would, or should do. Since the recent election of Delegates to a State Conven-

tion, I have asked myself what have the people decided? Have they decided the issue which was presented by one party, but never accepted by the other—of Union or Disunion, in favor of the Union? Then I am with the majority, and know of no party in the State opposed to the decision. The people of Mississippi have given too many, and conclusive proofs, by acts which speak louder than words of their attachment to the Union, and willingness to make all proper sacrifices for it. The "Democratic State Rights Convention" of June last, speaking of State secession, in their fifteenth resolution, said, "Whilst we assert the right, we consider it the last remedy, the final alternative, and also declare that the exercise of it, by the State of Mississippi under existing circumstances, would be inexpedient, and is a proposition which does not meet the approbation of this Convention." Did the election, then, decide that Mississippi should not secede from the Union? I know of no party, and trust there are few, very few individuals, who desired that she should adopt so suicidal a policy. Did the election decide that the people of Mississippi approved the action of Congress on the subject of slavery, and the territories of the United States? I hope not, I believe not. For the future, as well as the past, I should deeply lament such a decision. Have the people decided that, though not satisfied, not approving, yet they will bear the evil without seeking any remedy, and shape their future action by the course of future events? I bow to the popular judgment, and but fulfil the declaration I have heretofore made, and comply with the duty of a citizen, when I say I acquiesce in the decision of the people, the source of all power in the State, whatever that decision may be.

Reared in the State of Mississippi, she is endeared to me by the earliest and tenderst associations. As a Mississippian, I have passed more than a third of my life in the public service, military and civil. My property and my family are here. Permanently identified by feeling and by interest with the fortunes of Mississippi, her fate must be mine. I could and would not divide them. My past life must answer for my devotion to the Union. If my acts have not shown it, verbal declarations will not suffice. To secure the rights of the State and perpetuate the Union, I have believed it indispensable that the constitution should be strictly construed and strictly observed; that the federal agent should be bound down "by the chains of the constitution." Entertaining these views, it has been with equal pain and apprehension that I have seen a steady, and, of late, a rapidly increasing progress in the encroachments of the fed-

eral government upon the rights of the States. The tendency of the times is towards consolidation. The doctrine that the majority of Congress, with the approval of the President, can pass any law which their discretion may dictate, and that there is no other remedy than by an appeal to the Supreme Court, is to make the federal government "the exclusive or final judge of the extent of power delegated to itself." To this it would be only necessary to add the power to coerce the States, and consolidation would be complete—the government of our fathers would no longer exist, save as a memory and a name. It is in the nature of things that the South, being the minority, should resist such tendency, and this has been our history. It is no longer, however, within the power of their representatives in Congress to check it, and reliance must be had upon the States, which Mr. Madison said formed our security against projects of usurpation by the federal government, and to which Mr. Jefferson looked for the preservation of the constitution, when he claimed for them the right to judge as well of infractions as the mode and measure of redress. Your representatives can do but little more than serve as faithful sentinels to warn you of approaching danger. The rest must be left where I have always proposed to leave it, to the decision of the State.

The convention of the State which will assemble in November, and the subsequent action of the people upon its proceedings, will fully determine the position of the State in its federal relations. As a candidate for Governor, I have, therefore, only to present my views on the domestic policy of Mississippi.

I am in favor of promoting education in the State, and for this purpose, of taking all the necessary means to render the land held for the benefit of colleges and township schools efficient for the purposes to which they are dedicated; of encouraging, by all proper means, the establishment of manufactories within the State, and the development of those resources with which nature has so richly endowed it; of making the grant of the swamp and overflowed lands available to prevent the inundation of the country between the Yazoo and Mississippi rivers; and for the improvement of the navigable streams within the State: promoting the construction of railroads wherever they can be made by the voluntary contributions of the people with such aid as the State may afford, by the exercise of its legislative power, without resorting to taxation. By such improvements, much of the land in the State which is now of little value, because of its remoteness from market, would be brought into profitable cultivation, increasing at the same time, the

revenue and power of the State, whilst it added to the comfort and prosperity of the people.

For a just exposition of the popular will, and for full information as to the wants of every district, I should, if elected, look to your immediate representatives, the Legislature of the State, and as in every position I have held, for and from the people, would regard the power conferred as a trust held for them, and their will, as only of minor importance to the obligations of the constitution, and my own conscience.

JEFF'N DAVIS.

Warren Co., Sept. 25, 1851.

Jefferson Davis to J. M. Clayton.[1]

(From the Library of Congress, Manuscripts Division.)

P. O. Palmyra
Warren Co. Missi.
22d Nov. 1851

My dear Sir

Your letter of last month should have been more promptly answered but for a wish to send you the productions of Judge Sharkey as requested. He was the author of the address of the central meeting of this State which called the popular convention which proposed the Nashville convention—he was President of the popular convention and of the Nashville convention, was prominent among the actors and subsequent defenders of both until he found sufficient inducement elsewhere than in such assemblages to abandon the cause of the agitation of which he had been among the first promoters and most extreme advocates. He wrote a severe criticism on the course of the Nat. Intelligencer in which he defended the Nashville convention, and published a letter condemning the compromise bills,

[1] Clayton, John Middleton, a U. S. Senator from Delaware, was born in Dasboro, Sussex County, Delaware, July 24, 1796; was graduated from Yale college in 1815; studied law in Litchfield, Conn., and was admitted to the bar in 1819. He was a member of the State House of Representatives in 1824; Secretary of State of Delaware from December, 1826, to October, 1828; a U. S. Senator from March 4, 1829 to December 29, 1836, from March 4, 1845, to February, 1849, and from March 4, 1853, to November 9, 1856; Chief Justice of Delaware, 1837-1839; Secretary of State in President Taylor's cabinet from March 7, 1849, to July 22, 1850. He died in Dover, Del., November 9, 1856. Clayton ranked high as an orator and debater but is best known for his negotiation (1850) with Sir Henry Bulwer of the Clayton-Bulwer Treaty in connection with a project for the construction of an inter-oceanic canal across Nicaragua. Consult Joseph P. Comegys, Memoir of John M. Clayton. 307 pp. Wilmington, 1882.

to which before he had seen them he had given a partial approval. He was the author of the address criticised in the national Intelligencer of the 14th March 1850, as the first distinct avowal of the purpose to establish a southern confederacy—In that paper of (blank) you will find his reply dated April 4th 1850.

To the other inquiries as to his past political course I reply—He was once a Democrat (Jackson man) repudiated Democracy and became a Nullifier, passed without denying the creed of Nullification into the Whig ranks. I do not know whether he voted for Genl. Taylor or not but suppose he did.

No man in our State did so much to start the movement for state action in defence of Southern rights, and the prominence thus acquired must have been the elevation which attracted the notice of the present administration. The policy and morality of rewarding a man who abandoned the cause into the support of which he had enlisted many of his friends, because it proved less popular than was anticipated, or because it was not the high way to federal patronage I leave to those who will have to decide on the conduct of the President, whether as political friends or constitutional advisers. As soon as I get either of the pamphlets issued by the meeting or Convention of Missi or the Nashville convention, and I had hoped before this to have received them all, I will mail them to your address—He has made no speech (I believe) which has been published——

We have had much excitement in our State during the past summer, and a false issue has proved a bond to unite the minority, Whigs, with a portion of the Democrats and give the State to the so-called Union party—by this, Democrats who were rejected by their party have been put into power, and the Whigs gain the advantage to be derived from incompetent, or unprincipled officers for whom they are not, as a party, responsible —I know

> "a soul like thine would spurn
> The spoil from such foul foray borne":

and therefore state the fact without circumlocution to you—It will give me pleasure to hear from you, and to be remembered to your friend. Separated from the exciting strife of politicians we may the more profitably look on the whirl of their bubbles, and perhaps better than they see when and why their bubbles will burst.—As the spectator detects the errors of the players

in games where the happiness of a people and the permanence of a government are not the stakes.

Very truly your's

Jeffn: Davis

(From Clayton Papers, Library of Congress)
(marked) *Private*
J. M. Clayton

General Cass's Nicholson Letter.

(From the Union: Washington, March 17, 1852.)

A friend of Gen. Cass has handed to us a letter of Col. Jefferson Davis, of Mississippi, which was published in the Mississippian on the 9th of January, 1852, with a request that we should publish it, as containing a refutation of the charge so frequently made that Gen. Cass did not deal fairly and candidly with the South in his celebrated Nicholson letter. It is due to Col. Davis, as well as to Gen. Cass, that we comply with this request, especially as the letter illustrates the characters of both of these eminent democrats for candor and integrity.

In order that the nature of the imputation against Gen. Cass may be clearly understood, we deem it proper to premise that, in speaking of the extent to which Congress might legislate for the Territories, Gen. Cass in his Nicholson letter made this remark:

"It (the interference of Congress) should be limited to the creation of proper government for new countries acquired or settled, and to the necessary provisions for their eventual admission into the Union, leaving in the mean time to the people inhabiting them to regulate their own concerns in their own way."

It will be remembered that the leading point in the Nicholson letter was that Congress had no power under the constitution to enact the Wilmot proviso; and this conclusion resulted from the fact, as maintained by Gen. Cass, that the constitution confers on Congress no power to legislate for the people of the Territories. Hence the deduction was legitimate and necessary, as believed by Gen. Cass, that the legislation of Congress should be limited as expressed in the foregoing extract, *leaving, in the meantime, to the people inhabiting the Territories the right to regulate their own concerns in their own way.* After this

letter was published, it became a question in the South whether Gen. Cass meant to assert that the inhabitants of a Territory, prior to their admission into the Union as a State, could prohibit Slavery, or whether he meant that this right could only be exercised when they changed their relation of Territories for that of States. The latter construction was most consonant with the feelings and views of southern democrats, and they generally adopted it; whilst the former suited the purpose of southern whigs the best, and they accordingly adopted that. In January 1850, Gen. Cass delivered his great speech in the Senate against the constitutionality of the Wilmot proviso, and in that speech he argued at length the inherent right of the people of a Territory to regulate their own concerns in their own way, and showed clearly that the southern democrats had not attached to his letter the meaning which he intended to convey. It was then that the charge that he had deceived the South in his Nicholson letter had its origin; and in February, 1850, in another speech in the Senate, Gen. Cass repelled this imputation, by showing that the obvious meaning of his language in his Nicholson letter was, that the people of the Territories had the right to prohibit slavery either before or at the time of their admission as States; and, by way of fully relieving himself from the imputation, he called on the southern senators then present to know if they had not understood his Nicholson letter as he himself then explained it. In response to this call, Mr. Butler, of South Carolina, Mr. Davis, of Mississippi, and others assented to the correctness of his declaration, and thereby furnished the strongest evidence of the want of foundation in the charge that he had deceived the South.

During the exciting scenes through which the people of Mississippi have recently passed, this charge was revised in a pamphlet giving a sketch of the life of Colonel Davis; and it was because of the injustice done to General Cass in that pamphlet that Colonel Davis felt himself called upon to come forward and do an act of justice to General Cass. Every honorable mind will appreciate this course, and every impartial mind will at once see that the charge against General Cass is without foundation. We have no idea of reviving the question whether General Cass's views as to the rights of the inhabitants of a Territory are correct or not. Our only object is to furnish the evidence that he has been guilty of no deception upon the South, and on this point the following letter of Colonel Davis is conclusive.

Jefferson Davis to Barksdale and Jones.

(From the Union: Washington, March 17, 1852.)

Brierfield, (Miss.)
December 27, 1851.

Gentlemen:

When on a journey to the northern counties of our State, in the month of October last, I saw, for the first time, a pamphlet, entitled "A Sketch of the Life of Jeff. Davis," &c., &c. There are in it some errors in relation to subjects so unimportant to others, that I will not speak of them further than thus to indicate their existence; but there is one of a different character, of which I desire, through your columns, to make public correction. This has seemed to me proper, because the pamphlet has been thrown into general circulation, and bears upon its face conclusive evidence that it is the work of a personal and political friend. The following passage occurs on the 25th page:

"In the presidential election of 1848 Colonel Davis was placed in a delicate, and, in some respects, rather a painful position. His father-in-law—General Taylor—had become the candidate of the whig party, while he, ever a democrat, faithful and true to his principles, felt constrained to support General Cass, the candidate of the party to which he belonged. The principal difficulty with Colonel Davis, however, grew out of his distrust in the sincerity of General Cass's avowal of principle. The Nicholson letter, he felt satisfied, was intended to deceive the South, and that General Cass was well apprized that southern democrats were placing a construction upon it which, when it should favor his interests, he would disavow. The doctrine of 'squateer sovereignty,' which the whig party charged was contained in that letter, and at war with all our rights in the Territories, he knew to be true from a confidential conversation which he was not permitted to disclose. He acted, however, upon the principles on a choice of evils, and resolved to stand by his party principles."

Bearing to the people of Mississippi the confidential relation of a representative, possessed by the position with which they had honored me of peculiar opportunities to learn the character and opinions of General Cass, I was under more than the ordinary obligation, when addressing my fellow-citizens in advocacy of his election to the presidency, to give my opinions cordially and fully—not merely to tell the truth, but to tell

the whole truth. I acted upon this as a rule of conduct when I admitted that General Cass held the doctrine in reference to the power of the territorial inhabitants, which the whigs urged against him as a disqualification for the presidency, and which the democrats denied to be his opinion. I kept sacred my obligation to my constituents, though it cost me the gratification of my opponents and the censure of my friends. Time, the revealer of truth, I have the happiness to know, has since relieved me of the censure; and but for the considerations I have mentioned the hostile criticism which has fallen upon the paragraph quoted would have passed unnoticed. The error of the author's statement consists in attributing to me the opinion that Gen. Cass intended by his letter to Mr. Nicholson to deceive the South—by fraudulent assurances to obtain the votes of southern democrats, and when in power to disavow the opinions on which he had obtained their support. Had I believed him guilty, or capable of such a crime, I would neither have advocated his claims, nor have given him my own vote. The letter to Mr. Nicholson, according to my construction, contained the opinion familiarly known as the doctrine of squatter sovereignty.

General Cass has not only admitted the correctness of that construction, but contended that it was the only one of which his language was susceptible, and said he could appeal to senators, who were in Washington when the letter was written, to prove that such was his meaning at the time.

I considered his meaning quite plain when he proposed in the letter referred to, to limit the action of Congress, in relation to territories, to the creation of proper governments, "and to the necessary provision for their eventual admission into the Union, *leaving in the mean time to the people inhabiting them to regulate their own concerns in their own way.*"

But I was doubly assured by a conversation with Judge McLean, of the Supreme Court of the United States, as to the meaning of General Cass. That, I presume, is the conversation to which the author of the pamphlet referred. Thus I learned that General Cass consulted Judge McLean in relation to the position taken in his Nicholson letter, and what was his own interpretation of that part of it which afterwards, during the presidential canvass of 1848, received such opposite construction. The conversation was private, and I did not consider myself at liberty to refer to it when, in the canvass of 1848, my construction of General Cass's meaning excited no little feeling against me among my political friends in Mississippi, and

when, therefore, I had the strongest temptation to produce authority to sustain my position.

Gen. Cass, on the 20th of February, 1850, by a speech in the United States Senate, gave publicity to the fact of his having consulted Judge McLean. I then stated that "I knew of the conference to which he had alluded, very soon after it occurred;" and since the publicity thus given to it, have spoken of it whenever I deemed it proper to do so.

I did not feel that distrust of the political integrity of Gen. Cass which is attributed to me; on the other hand, I argued that he would redeem his pledges. I did not then, nor do I now, believe that he had authorized anyone to say to the democracy of Mississippi that the true construction of his letter was that which they were placing upon it; which was, that he did not recognize the territorial inhabitants as possessed of power to prohibit slavery, until they should form a constitution, and be admitted as a State into the Union. In other words, that it was to the people of a State, not to the inhabitants of a Territory, that the power belonged. If Gen. Cass, in 1848, had authorized a confidential friend to announce that as his interpretation, in 1850, he would not, in the Senate, have placed a different construction on his language, and quote it to justify him in saying that he could not conjecture how different opinions could exist as to its meaning, and that if any one had misunderstood him before, it was not his own fault.

It was not distrust of the political integrity, nor belief of fraud, nor anticipation of treachery, but objection to the opinion of Gen. Cass in relation to the legislative power of territorial inhabitants, which constituted the "principal difficulty" with me.

It will be remembered that, in the presidential canvass of 1848, the doctrine of "squatter sovereignty" had no advocates in Mississippi. Whigs asserted it to be the creed of Gen. Cass and denounced it as worse than the Wilmot proviso. Democrats strongly reprobated the doctrine, and denied that Gen. Cass entertained it. I differed from my political friends as to the fact, on which alone an issue was joined, and admitted that the whigs were right in the assertion that the doctrine was clearly contained in the Nicholson letter. Yet, I supported Gen. Cass as a candidate for the presidency, and advocated his election before my fellow-citizens of Mississippi as fully as my physical condition would permit. I did so, not because of any toleration for the opinion to which I have adverted, as being *then* so universally condemned by the people of this State, but

because I considered it unconnected with the functions of the President, and because I believed Gen. Cass reliable for defence against the danger then apprehended—the danger from Congressional legislation for the interdiction of slavery in the Territories. I held that he was bound to veto the "Wilmot proviso," or any law which Congress should pass to prohibit slavery in the Territories; that he was opposed to the abandonment or destruction of that great conservative feature in our Government, the presidential veto; that he was pledged to the resolutions of the Democratic National Convention, declarative of the cardinal principles of our party; that, if elected, he would be surrounded by democratic counsellors, and would, in the main, administer the government according to that political creed which I believed most conducive to public prosperity—peace and security at home and abroad.

The failure of Congress to provide governments for the territory acquired from Mexico was followed by events in California which gave the highest practical importance to the doctrine of "squatter sovereignty." Its character was changed from speculative to real; and with the change came the extraordinary political development that they who had most bitterly denounced it in theory had become its apologists and defenders when put into practice. If, then, a democrat had foreseen in 1848 all which has since transpired, what would he have gained by leaving his party and opposing its candidate?

My purpose, however, is not to justify my own course, but merely to correct misapprehensions in relation to it; and to this end I refer to remarks made by me when the transaction was more recent, and which had been published in the debate of the Senate before the pamphlet in question was written.

On the 20th of February, 1850, in the United States Senate, I replied to Gen. Cass as follows:

"The senator from Michigan, in alluding to myself, has spoken of me as having charged him with inconsistency. I certainly intended to make no such charge against the honorable senator from Michigan. He said that he spoke in a feeling of kindness to me; I have no reason to doubt it; and I think I might claim as much from the honorable senator, even if kindness was not the prevailing characteristic of his heart. I made no charge of inconsistency upon him; but, on the other hand, regretted to find him consistent in a position which I originally considered erroneous, and think has been shown, by recent events, to be productive of evils the magnitude of which, now dimly seen in the distance, we may be soon called upon to measure. I

always construed his 'Nicholson letter' as he has explained it now; and because I never would defend him upon the view which I held to be equivalent to turning over the territory to the first occupants of it—those who in the race of emigration should first reach it—some of my political friends, who always construed it as only meaning that the inhabitants, when they formed a State government, were entitled to the sovereignty of other States of the Union, considered me as wanting in the maintenance of his claims as a candidate for the presidency. I have incurred responsibility, because I never would put that construction upon it. I thought I understood the opinions of the honorable senator from Michigan before he wrote that letter; and I knew of the conference to which he has alluded, very soon after it occurred, but to which I have never heretofore referred. I understood the opinions of the senator to be the same then as I understand them to be now. They have never met with my approval. I approved of so much of his position as denied that Congress had a power over the Territories, beyond that derived from the necessity of discharging the duties of trustees of the public lands. I had confidence in the character of that senator, and I have now. I held that his only connexion with the subject would be, if elected to the presidency, of which we then had some hope, that growing out of the action of the federal government; if Congress passed a bill to exclude slavery from the Territories, that he would, in accordance with his opinion of the power of Congress over the Territories, veto such bill; therefore, I was willing to trust him with functions growing out of the federal authority. His doctrine, which acknowledges sovereignty in any community which may by accident or design be planted on territory belonging to the States, I always rejected.

"The opinion of the senator as to the power of the inhabitants of the Territories would have no official connexion with the office of President, and in that connexion was not of vital importance. I stated then, as I state now, that I believed it to be wrong; and the very position which we are now in shows that it is dangerous. Its result is now seen, when men, without authority and law, have gathered together—a conglomerated mass from every quarter of the globe—and claim to snatch sovereignty from the hands of the United States, the owners of the property.

"This was the natural growth, the necessary consequence of the doctrine of the senator from Michigan—a doctrine now most firmly upheld by those who most fiercely denounced it, here and elsewhere, less than two years ago. I do not introduce the opinions of the honorable senator from Michigan to comment upon them. I merely introduce them to show the result of their being acted upon

"I denied that any source could be found for the authority claimed for the territorial inhabitants to assume sovereignty over the country, except the inalienable right to declare their independence, and dissolve their connexion with this confederacy. The power he asserts must belong to the right of revolution, the right to take the territory of the United States, and appropriate it to themselves. Unless he meant that much, when he claimed to derive the power from Almighty God, he means nothing within the scope of my comprehension.

"But the senator speaks of the fanaticism of the South, which requires the men of the North to justify slavery as an abstract question. I know of no such thing. I do know that the southern politicians of the democratic party, as a body, sustained that senator's pretensions when a candidate for the presidency, though they well knew that on the abstract question of slavery he was against them. It was not abstract opinions, but the introduction of them into the policy of the government which we deprecated. Give us our constitutional rights, and a free and fair exercise of our equality in the Union, and we would never regard abstract opinions. I tell the senator that, so far as I know the opinions of the people of the South, he founded his argument upon a ground that does not exist."

On the 3rd of June, 1850, in reply to Mr. Douglas, of Illinois, I said:

"I have no right, Mr. President, to ask the senator from Illinois to read my speeches. They are not worthy of it. I might ask him, however, to read the amendment which I have lying on my table before he again makes a speech upon it. If the senator had considered my speeches worthy of perusal, or had listened attentively to their delivery, he would not have taken occasion to say that I had avowed myself lukewarm in my support of the Senator from Michigan as a candidate for the presidency.

"Mr. Douglas. I said that in respect to this question you had your doubts, and therefore were lukewarm in your support of him.

"Mr. Davis. I had doubts, fears, and apprehensions which reached to a conviction that the senator was wrong upon the question of the power of territorial inhabitants; yet, sir, I took him as a choice of evils. (Laughter.) I say it in no terms of disrespect. The senator from Michigan knows that I thought it a wrong doctrine which he held upon this subject, but I sustained him for the other doctrines which were directly connected with the duties of a President, and I gave him my earnest support—my political opinions triumphing over personal feelings which were near to me. The senator from

Illinois, if he will review my course, will never make that statement again."

Having thus, I hope satisfactorily, corrected the error which led to this communication, I will only add that the public character and importance of the question which induced me to make this statement will, I trust, be accepted as a sufficient reason for its publication.

Very respectfully, your friend, &c.,
(Signed) JEFFERSON DAVIS.

Messrs. Barksdale & Jones.

Speech of Jefferson Davis at the Democratic State Convention at Jackson, Mississippi, January 8, 1852.

(From Southern Press, February 12, 1852.)

Col. Davis commenced by expressing the gratification he felt at the manifestations around him of the re-union of all Democrats, for the support of those great principles, which now, as in days gone by, formed the distinctive characteristics of the Democratic party. It was true that unhappy divisions had recently existed, but these could not be otherwise than temporary; the power of eternal truth was attracting the disintegrated particles, and must soon hold them in one harmonious mass, resolved, with concentrated power, to vindicate the principles and maintain the measures which had wrought so many blessings to our common good, peace and security. This family re-union, he said, was no occasion for the consideration of late family disputes. The purpose for which the party was assembled, rather led them back to days of happy association, and whilst it directed their vision to future events, should elevate their hearts to nobler reflections than the individual conflicts which had so sadly disturbed the confidence and destroyed the power of the Mississippi Democracy. It was a cardinal point in their party faith, that the delegate should be limited in his acts by his letter of authority, and faithfully reflect the will of his constituency. The letter of authority was to appoint delegates to the National Democratic convention, which would assemble to nominate candidates for the Presidency and Vice-Presidency of the United States. The will of the Democracy of Mississippi—as shown by the primary meetings in many counties—was to consider the question recently decided by the people among the things which were, and without reference to local considerations, as questions purely belonging to State

sovereignty, to unite on their old platform of national politics, and, shoulder to shoulder, go into the approaching contest for the election of a President. He said the right of a State, under any contingency, to resume the grants made by her as a sovereign party to the federal compact, had been denied by men who claimed to be the peculiar friends of the Union. What Union? it could not be the United States, if as some asserted, a State had no higher right than a county, a mere right by force to overthrow their government.

If this denial was directed against the abstract right asserted by the Democratic party, as belonging to each State, the right to withdraw from the Union without obstruction, whenever the people of the State should resolve that such was the only mode by which they could secure for themselves the objects for which governments were instituted among men: the re-affirmation of the position taken by the Democratic convention of June last, would not decide the issue. But if it was proposed to refer this question to the national convention, then the proposition would be worse than nugatory. A reserved right of the State—and all rights are reserved which have not been granted—can only be surrendered by the people of the State; and for one, he would protest against the reference of such a question to any other tribunal than the sovereign people who made the grant—who formed the compact—and, in the last resort, must judge of its infraction. He urged upon the convention the impropriety of introducing into its action any other matter than that which properly belonged to the special object for which they were assembled, or which would be a departure from the line of conduct indicated by the invitation in accordance with which primary meetings had been held, and delegates appointed. To recant a declaration—to abondon a principle—is another and a very different thing from abstaining to assert opinions unnecessarily or improperly. This he illustrated by the case of the division of the State into new Congressional districts, and asked what member of the convention would desire to express in a resolution the opinion of the body in relation to that case?

He referred to his course during the past summer, as evidence of his readiness to assert and maintain principles whenever and wherever the occasion required it. He had gone voluntarily into a canvass, which considerations of ease, interest and health, prompted him to avoid. He had gone not to defend or explain his own course, for he only asked to be judged by the record; not as a candidate for office—there was

none he desired in exchange for the high station with which the people had already honored him. He went to plead before the people the cause of Mississippi, which then, as now, he held to be the cause of the Constitution. If any supposed he regretted the course he had pursued, because of the personal sacrifices it had cost him, to them he would say, those sacrifices were to him a source of pride, and were dear to his heart as offerings freely made upon the altar of his country, made for principles from which our Union sprung, and which as an Union of freemen, it could never survive. His regret at the result arose from the conviction that it would long and deeply injure the cause of State rights—that it would serve to weaken the South—and would encourage further Northern aggression upon those constitutional rights which we inherited, and which it was the sacred duty of this generation to preserve, and, unimpaired, to transmit to posterity.

He said, among the many misrepresentations which had been made of his political conduct and opinions, there were two which would serve as a sample, and to which he alluded, because they were connected with his present position as a member of this convention. The first was the statement that in a public speech at Macon, in Noxubee county, he had replied to the inquiry, whether or not he would support the nomination of the national Democratic convention?—no, he would not. This was as false as the assertion previously made, that he had, in 1843, been the advocate of the Union bank bonds. He said that when he was asked whether or not he would support the nominees of the Baltimore convention, he replied affirmatively; and was proceeding to state how and under what circumstances he would support the nominees, when the question was modified to make it the nominees of the Union party; he then answered that he had understood the question to apply to the Democratic convention, but as now put, the nominees of the Union convention, he answered, no; he would not touch them with a ten-foot pole.

The other misrepresentation, to which he referred, was, that in a speech made before the Democratic convention of June last, he had proposed to purge the party of those who had taken ground against it in the pending controversy. He hoped all who knew him personally, felt that it was impossible for him to have been so presumptuous, so ridiculous, as to have assumed to himself the right to excommunicate others from the Democratic church. If this were even attempted by mass meetings, or by conventions, it would be absolutely absurd. Every

man's heart must decide to what party he belongs. He who entertained the principles and supported the nominees of Democracy, as every citizen might who chose, was a Democrat, though all others denied it; and he who rejected the doctrines and opposed the measures was none, however loudly he should proclaim it, or however high might be the sponsors and numerous the assemblages vouching for his faith. He had long since, for himself, decided against any attempt to declare who should, or should not be entitled to enter the Democratic church; and the charge that he had expressed a wish to close the door against any one, he therefore knew was untrue. His purpose had been and still was, to sustain the cause in which he was a laborer, and with all who espoused it, he was most happy to co-operate.

At a late period in the recent canvass, when gloom had settled upon the prospects of Democracy, the party standard was placed in his hands; unsuccessfully, but zealously, weakly, but devotedly, he had borne it; and when he fell, its every fold was still unfurled and flying over him. Let those who warred against it, go now when the contest is over, and find, if they can, among its inscriptions, the sentiments which their leaders told them was written upon it. Where would they find the purpose of secession, where the danger to the Union, where the civil war they were invoked to prevent? To deny the right of the federal government to use force against a State, is not civil war. To contend for the constitutional rights of the South, is not to assail the Union, or to weaken the bond which constitutes its strength. To assert as a last alternative the right of a State to secede, at the same time declaring that it was a right which, under existing circumstances, Mississippi should not exercise, was not to manifest the purpose of secession. The reasoning of those who contended for the opposite conclusion, when applied to their own position, reduced them to the most awkward predicament.

They asserted that to declare the right of secession, indicated the right to secede; but they asserted the right of revolution. Then, according to their logic, they had the intent to revolutionize, which, according to their definition, was to wage civil war; to cover the land with all the horrors they so delighted to depict as the consequences of the success of the Democratic State Rights ticket.

The platform of the convention of last June, was State Rights, because it was Democratic; it was Democratic, because State Rights. The assertion of the rights of the States by Jefferson and Madison, was the foundation stone on which the temple of

Democracy was built—the structure could not stand if the foundation should be destroyed.

He said, he had ascended to the platform of the June convention, with the confidence due to the soundness of its materials; and though to him it had proved the scaffold for political execution, his confidence was not impaired, and at a future—no remote day—he believed some abler champion of the cause would receive on that platform the laurel of the victor, instead of the fate of the martyr. In this, the largest State convention which it had been his fortune to meet, he saw the dawning of that day when the web of deception should be broken; the veil of false assurances and concealed motives should be lifted; when truth revealed, the right would be vindicated by the popular judgment of Mississippi. He had joined his party in a contest for principles which he believed were of vital importance and in imminent danger; had he foreseen the result, his own course would not have been changed. If his principles were to be overthrown—if his friends were to fall in the conflict—he had no wish to be the sole survivor of such a wreck; he had never wished to remain as a solitary official monument, to mark the spot where the State Rights Democracy once had stood. The issues tendered by the Democracy had not been met by the opposite party; their principles had not been beaten; their position had not been decided upon by the people, except in relation to the policy of acquiescence in the recent action of the federal government on the territorial and slavery questions. Incongruous materials combined for the spoils of office, Fraud and Falsehood, and Freesoil, and Foote, and Fillmore, have triumphed in Mississippi; but success thus acquired must be as temporary as its means were corrupt. He had an abiding faith in the Democracy of Mississippi, because the cement which united them was principle; and expected to see them in the approaching contest, as in days gone by, with one spirit circling close and deep around their ancient standard.

The mere demagogue—he who has been thrown to the surface like dregs from the bottom of the pool, by such violent agitation as mingles heterogeneous elements, and like them must sink to the bottom whenever quiet is restored; he must desire to continue agitation; he from some selfish consideration must oppose the restoration of harmony in the Democratic ranks, and be in all time an agitator still.

But every Democrat who loves the principle of his party, more than the spoils of office, must abandon a coalition which would sacrifice the public good for individual advancement, and

heart and hand join in the effort to restore power to those by whose administration his principles will be advanced, and the common good promoted. To the Union Democrats, he addressed the argument, that if they wished to prevent the creation of a national debt, and the overthrow of the present financial policy of the government, they must rely upon the Democracy; if they wished to avoid class legislation, by the destruction of the existing revenue system, and a return to protective duties, they must rely upon the Democracy; generally, if they wished to maintain a strict construction of the Constitution, and thus to perpetuate the union of the States, which their fathers had formed, they must rely upon the Democracy.

To the State rights men, whatever their party alliances had hitherto been, he appealed for support to Democratic principles because there they saw the doctrine of strict construction of the Constitution, which was the doctrine of State rights, and to which alone he believed they could look for respect and protection to the rights of the South. There was not such unanimity among Southern men as would give moral power to a sectional minority; and the history of the Democratic party, from the first struggle between State rights and the spirit of consolidation, pointed to it as the source from which our best, if not our only hope, must be drawn.

Of those who honestly desired to preserve the union of the States, and had been induced to leave the Democratic party and enter into a new organization for that purpose, he asked, what was there in the ancient or recent history of Democracy, which indicated the necessity of such a course, or the wisdom of their new alliance. Who obstructed the prosecution of the war with Mexico, by embarrassing the administration of our government, when its armies were fighting battles upon a foreign soil? Who burned blue lights along the coast of New England, in the war of 1812? Who has nullified a recent law, passed to carry out a provision of the constitutional compact? Was it their old friends or new allies?

He adverted to those misrepresentations made by sons of Mississippi, and which had spread broadcast the impression, that there was a disunion party within our borders; and said it was one of those perversions of truth which, least of all others, he felt able to forgive. He had, when her representative abroad, replied indignantly to such a supposition, and pointed to the brief, but brilliant history of Mississippi, as the substantial evidence which should have prevented any mind from originating or entertaining the calumny. As a Senator from Mississippi,

he had considered the honor of his State, and his own honor involved in the supposition, that while she kept representatives in the federal government, and participated in its action, she was plotting the destruction of that government to which she was thus accredited, and formed a part. For himself, individually, he had never had any other answer to make to the charge of being a disunionist, than that it was false.

He said, that all Democrats, all State Rights men, should unite to wrest the administration from the imbecile hands into which it had fallen and entrust it to those who, in times past, had given us peace and security at home, and safety and honor abroad. The censure which one should bestow on the blunders and offences of this administration, in the management of our domestic affairs, might have been severe, if it were not swallowed up in the shame and mortification produced by its conduct of our foreign relations. Scarcely has the mind time to measure the magnitude of one offence, before it is followed by another of a character so different, that it was almost impossible to believe them the acts of the same individual. When Spanish insolence insulted our flag in the waters of Havana, the country had scarcely time to wonder at the tame spirit of the administration, before its surprise was demanded by the proffer of a national salute to the flag of Spain, as an atonement for the unwarrantable conduct of an excited mob. And how were the passions of that mob aroused? Young men of the United States, whose hearts were filled with such love of liberty, as they might have legitimately inherited from their sires of the revolution, saw a neighboring people oppressed by the harshest despotism, and heard that they appealed to the sons of America to aid in bursting the fetters which bound them. They went on such mission as brought La Fayette, Kosciusko, De Kalb, and a host of others, to the aid of our fathers in their revolutionary struggle; and the President marked their devotion by a proclamation which branded them as pirates, and deprived them of rights secured to American citizens, by treaty, and as enemies of mankind, not only surrendered them to Spanish cruelty, but to be slain by whomsoever might find them.

A gallant band of these brave youths, disappointed in the hopes and expectations which had induced them to land on the Island of Cuba, abandoned the expedition, and started for the United States. They were captured in open boats, upon the open sea; and without the trial to which they were entitled as pirates condemned to an ignominious death. That the intelligence of such an outrage should have excited their friends in

New Orleans, to such a demonstration as was made, was but little, if at all, to be wondered at. And as it furnished the cause, so it supplied the only explanation which the Spanish government should have received. Lopez, a citizen of Cuba, sought to free his country from the despotism of Spain; and, whatever were his faults, he sealed his devotion to the cause of his country's liberty with his life's blood. Kossuth, a citizen of Hungary, made a like effort to free his country from the despotism of Austria; but, more fortunate than Lopez, avoided the grave by becoming an exile. He then compared the course of the President in reference to the two. Lopez, arraigned after he had sunk into a patriot's grave, a martyr to his country's liberty; Kossuth welcomed, and the guest of the President. The crime of Lopez, if it consisted in the attempt to raise men and money in the United States, differed in nothing from the purpose which Kossuth had avowed, whether the mind be directed to the voluntary contributions in each case, or a loan to be negotiated on the bonds of the government they desired to establish. If the followers of Lopez were pirates, and those who advanced money for the expedition were worse than those who participated in it, what will be the character of such as advance money to the Hungarian project, and of those adventurous youths who may follow Kossuth back, to aid him in his patriotic purpose?—and what will be the position of the President, whose course will probably have so mainly contributed to lead each class to the line of conduct supposed.

Before the blood of the gallant Crittenden and his companions had been washed from the pavement of Havana, the murder of those Americans, whose last words proclaimed their country's pride in refusing to kneel or turn their backs, when about to be executed, seems to have been forgotten by the functionaries of our government, as an injury demanding redress; for the outrage is not even mentioned in making application to Spain for mercy to those who, in violation of treaty rights, were sentenced and sent as convicts to Africa.

He noticed also the case of Thrasher, and compared it with the case of McLeod, who invaded our territory, cut out an American steamer, set it on fire, and turned it adrift, to bear its sleeping inmates to destruction over the Falls of Niagara. He referred to the days of Gen. Jackson, when the exclamation, "I am a citizen of the United States," was as proud a boast as were the words in olden time, "I am a Roman citizen." He spoke of the conduct of General Taylor in relation to the American prisoners captured at Cardenas, when he demanded that

they should be regularly tried according to treaty stipulations, and directed the American consul at Havana, to state that the Spanish government would be held responsible for the blood of one American citizen; and contrasted it with the conduct of Mr. Fillmore, in relation to the unfortunate youths who had been executed on the Plaza at Havana, without the pretense that they had received the trial to which they were clearly entitled. He said there was no power—he could imagine no influence, which could make him the apologist of such acts; but connected as they are with others which more than suggest the idea of sectional prejudice, as having given them their hue, he found as an American, as a Southern man, and a Democrat, so much to reprobate, that he should feel himself degraded if he had been the eulogist of such an administration.

He invoked the Democrats to conciliation and harmonious co-operation. No man's disappointments should be to him an obstruction; no man's prospects should be counted more than dust in the balance; no personal feeling should be an obstacle to that re-union which is necessary to secure the country's good, by securing those measures which every Democrat believed would best promote it.

Jefferson Davis to Barksdale and Jones

(From Yazoo Democrat, Feb. 18, 1852.)

Brierfield, Warren county, Miss.,
February 2, 1852.

Messrs. Barksdale & Jones:[1]

Gentlemen: A letter signed H. S. Foote, which was published in a newspaper at Jackson, Miss., the "Flag of the Union" of Jan. 30th, 1852, contains such an attack upon myself, and the party of which I am a member, as I cannot permit to pass unnoticed. That the answer may be made as public as the attack, I ask for this a place in the "Mississippian." Respect for the office of Governor of the State constitutes a protection to the incumbent which I am not prone to forget or disposed to disregard; but if the incumbent, neglectful of the propriety of his station, assail individuals, a just public will not deny to them the right to reply to him as if he were a private citizen.

The letter as published, is without date, and addressed to Hons. J. D. Freeman, John A. Wilcox and B. D. Nabors. The

[1] Editors and proprietors of The Mississippian, the leading Democratic newspaper in Mississippi.

pretext is to repel efforts made at Washington City, to create distrust of the writer in regard to his "intentions touching the approaching Presidential contest," and he requests the early insertion of the letter in the columns of the Washington "Union." The inquiry naturally suggests itself—if this letter was written to protect himself at a distance, why did he publish it at Jackson, Miss.? The answer to the inquiry is found in the following sentence of the letter. "I now repeat it, in this formal manner, here in the city of Jackson, *whilst a contest for a place in the Senate is pending, with which my name stands connected.*" The publication, then, in the city of Jackson, though it might not expedite the receipt of his communication by those for whom it was ostensibly intended, would bring the knowledge of its contents most promptly to the members of the Legislature, whilst that contest was pending.

Yet, however he might electioneer with the Legislators as to the manner in which they would discharge a delegated trust, though he should whiningly beseech them to mingle his personal interest with their considerations of public duty—these alone could never have led me to break the silence I was disposed to observe. But when he departs from his former policy of covert insinuation, and introduces my name for public accusation—when without provocation or connection with the avowed object of his communication, he couples me with an unfounded and oft refuted calumny against the party with which I have been and am politically identified, he indicates me as the person who shall mete out to him some portion of the justice which has been so long delayed.

He says: "Throughout the late canvass in this State, the secessionists, with Messrs. Quitman, Davis and Barton, at their head, in accordance with a resolution of the Nashville Convention, everywhere denied all regular affiliation with the National Democratic party of the Union, whilst you and I, and every other Union Democratic candidate in the State, in every speech which we made, declared our approval and support of the Baltimore platform, our determination to remain in fraternal connection with the Democratic party of the nation, and our intention to sustain the nominees of the Baltimore Convention for President and Vice-President." I do not know whether one should be most surprised at the insolence, the wholesale slander, or the reckless falsehood of this statement.

The Democratic State Rights party of Mississippi, in their general Convention of June last, declared that secession by Mississippi was inexpedient, and was a proposition which did

not meet their approbation. This, so far as I know, I believe, was and is their position. The resolutions of that Convention formed the platform on which I stood in the canvass. To attribute to that party the purpose of secession, to send abroad where the facts are less understood, such a calumny against but little less than half the voters, and a very large majority of the Democrats in the State, was an offence from which I might have expected his fear of public indignation would restrain him; from his regard for truth I had nothing to hope. To name me as a leader in that secession movement, knowing my position as well as he did, was a degree of falsehood which only such miserable malice as his, could produce.

The assertion that every Union Democratic candidate in the State, in every speech they made, declared their approval of the Baltimore Convention, is too broad to require refutation. If this and the "fraternal connection with the Democratic party of the Nation" had been the shibboleth of the Union party, those candidates could never have been elevated into office by a combination of a fraction of the Democrats with the Whigs. How must they receive this assertion, who have been accustomed to hear him speak of the Union party of Mississippi, as the formation of a new organization composed of the best elements of both the old ones; that the Whig, more than the Democratic party of the South, was to be relied on for the preservation of the Union. And what must be the surprise of those in our own State who have been led to abandon their old party alliances under the belief that it was necessary to preserve the Union, when they learn that their leader was still relying on the Democratic party of the United States, whilst invoking them to the destruction of that organization in Mississippi!

He says he declared his intention to support the nominees of the Baltimore Convention for President and Vice-President, in every speech he made in the late canvass, which, I believe, he has estimated at one hundred. How are these declarations to be balanced against the solemn written pledge he had previously given, when he struck hands with forty-three members of the 31st Congress, 39 whigs, and 4 democrats, each binding himself not to support any man of whatever party, for the office of President or Vice-President, &c., &c., except upon enumerated conditions, among which I neither find the *Baltimore platform*, nor the *Baltimore convention* mentioned?

If a solemn pledge could have bound him, this had deprived him of the power to make those unconditional declarations that he would support the nominees of the Baltimore Convention.

If those numerous declarations which he says he made, were obligatory upon him, and credited by those to whom they were made, why did he feel such apprehensions when eulogizing Mr. Webster in the United States Senate, on the 10th of December, as he expressed in the following sentence of his speech, "revised by himself," (I quote from the Washington Union of Dec. 17, 1851.) "Indeed, I could not, perhaps, declare all the admiration which I feel for this gentleman's high powers and gracious qualities, without giving rise perchance to some suspicion that I was about to become the special supporter and advocate of his claims to higher official honors than he has yet enjoyed." And, if absolutely and unconditionally pledged to support the nominees of the Baltimore Convention, and to act with the Democratic party of the United States, how could he in the same speech say of himself, "not feeling authorized, as a member of the Union party of my own beloved State, at present absolutely to commit myself in regard to the complex question of *who shall be elected President* in 1852, I shall without saying more in praise of New England's gifted son, myself bring forward witness in his behalf," &c.

Here he acknowledges his allegiance to the "Union party" of Mississippi, that party which rose from and lived by divisions in the Democratic ranks. Who, as much as he, strove to keep up that division, to inculcate the idea that old party distinctions were abandoned, and to drown the issues presented in the resolutions of the Democratic State Rights Convention by the delusive cry of "Union or Disunion?" Will any truthful man among us say, that adherence to the Democratic party of the United States, and support of the nominees of the Baltimore Convention, were issues in the last canvass in this State; or does any one doubt if they had been, that the "Union" party would have been dissolved.

The alarm bell of Disunion was causelessly ringing, and the phantom of civil war was raised in a land where no army existed, or was in contemplation. These were the horrible expedients adopted to induce the people to accept as a choice of evils that "compromise" which constituted Gov. Foote's political capital. Even in the letter I am reviewing, written as it was to show how faithful he had been to the Democratic party, he so far yields to the force of habit as to return to his old theme "the compromise;" and he mingles it with the selection of a candidate for the Presidency. In connection with a supposition of the editor of the Richmond Enquirer, that the Baltimore Convention would in some form, adopt a declaration of acquies-

cence in the measures as passed, enforcing the faithful execution of the fugitive slave law, and burying the agitation of the slavery question, he says, "This I have never doubted would be the case; and when this shall have been done, with Gen. Cass, or some other genuine compromise candidate for the Presidency, the success of the Democratic party in the Presidential contest of 1852 will be certain."

"*Genuine Compromise candidate.*" It is not enough for him that the Convention declare the policy of the party to be quiescent in relation to that legislation known as the compromise measures. In addition to this, there must be a *genuine Compromise* candidate. But if he be a Democrat whose life has illustrated the great principles of Democracy, as recognized from the days of Thos. Jefferson down to ours, but who did not approve of the Compromise measures—who fears they will not give peace to the country—who is not a "genuine compromise man" what then? Will the gentleman adhere to his Congressional pledge, and the associations based upon it; or will he abide by his canvass declarations? It is not only beginners who weave a tangled web when they practice to deceive. I leave him in his mesh, to disentangle it if he may, by the instruments he has always at hand, and by which it was woven. His compromise pledge, his unqualified declarations of an intention to support the nominees of the Baltimore Convention, and his position in the following sentence of the letter now under consideration:—"though I could easily mention several worthy gentlemen, besides, of the Democratic party, for whom I would vote, if Gen. Cass were out of the way"—are attitudes which will probably seem to plain dealing men irreconcilable with each other.

In connection with his charge that I (with others,) "everywhere denied all regular affiliation with the National Democratic party of the Union," he further says—"what was Col. Davis' attitude, you will see sufficiently explained in the correspondence between certain worthy gentlemen of the county of Noxubee, in this State, to which I invite your special attention." When I went as a delegate to the Democratic Convention of the 8th of January last, my attention was called to an article copied into the *Flag of the Union,* containing the assertion that at a public meeting in Noxubee county, I had been asked whether or not I would support the nominee of the National Democratic Convention, and that I had replied emphatically, NO—I would not. When, by invitation, I addressed the Convention, I referred to that statement to brand it publicly as a falsehood, and if the

gentleman now comes forward in more general terms to renew substantially the same slander, I pronounce him a liar.

Nor can he escape by his reference to worthy gentlemen of Noxubee county. They addressed themselves to a different question from that containd in the slander which I publicly branded as soon as it came to my knowledge. Those gentlemen (six in number) when called on by him with whom I had the discussion in Noxubee county, state—

"According to our best recollection of what occurred on that occasion, you propounded two questions to Col. Davis as a Democrat, which were as follows. 'Are you willing to go into the Baltimore Convention with the Democratic party, should they, as usual, hold such convention; and should that convention re-enact the Baltimore Democratic platform of 1844 and 1848, no more and no less and nominate for the Presidency and Vice-Presidency Lewis Cass, Levi Woodbury, H. S. Foote, Dickinson, Dallas, Buchanan, or any other reputable Democratic statesman, he or they subscribing to that platform, will you vote for the nominees of said convention?' Col. Davis was sitting to your left, in front of the platform; he turned his head and asked if you would have his answer then, to which you replied in the affirmative. Col. Davis rose and said: 'In answer to the first question of the gentleman I answer NO—a member of Congress has no business President-making in a convention. In answer to the second question of the gentleman, I answer NO—I'll vote for no man whom my heart and conscience don't approve,' and took his seat amidst the rapturous applause of his party friends."

Though this does not quite agree with my recollection of what occurred, and the style does not strike me as my own, or that of my opponent on that occasion, the replies are substantially such as I might have made. After an interval of eight months, I rely more upon a knowledge of what my opinions were, than upon the remembrance of the language used. I was then, and I am now, opposed to the selection of members of Congress as delegates to the convention to nominate candidates for the Presidency and Vice-Presidency. The plan of a National Convention grew out of the distrust, if not the abuses of the Congressional caucus. The reformation would have been little more than nominal, if the delegates to the convention had been from the two houses of Congress, instead of coming fresh from the people. I would have declined when I was a member of Congress to serve as a delegate to the Baltimore Convention and by giving that as the reason, would have signi-

fied my approbation of the convention; on the principle that he who gives a single reason for not doing an act, implies that but for that reason he would do it. And this agrees with the opinion I expressed to all with whom I conversed during the last spring and summer, viz: that we should send delegates to the National Democratic Convention.

I was not willing then, and am not now to bind myself to vote for whomsoever the Baltimore Convention might nominate, without respect to his past acts or present views. I approve of the great principles laid down in the resolutions of '36, '40, '44 and '48; but are there not men who would subscribe without reading them, if that act was made the condition on which they should be nominated for the Presidency or Vice-Presidency? "I could easily mention several gentlemen" whom I would no more hope to bind by such pledges, than I would expect to carry water in a sieve. When I aided in the appointment of delegates to the Baltimore Convention, it was that they should go into council in good faith, and that they should endeavor to procure such nominations as we could confidently & cheerfully support—not intending to deprive them of all influence by a pledge to support whatever ticket should there be formed, thus rendering the will of their constituents a matter of no importance to the convention. The power of the South is most felt in a Presidential election, and if properly exerted, may do much to protect our constitutional rights and secure us from future aggression. That influence should be used, neither abused nor abandoned. When I say I must approve the man whom I would support as a candidate for the Presidency, for my country's sake I hope the sentiment is not peculiar. We may sometimes be reduced to the hard necessity of choosing between two evils, but he would be woefully negligent, or sadly blind, who would run to the brink of such a precipice. Party consultation and party organization are the means not the end. Principles alone can dignify a party, and party allegiance can rightfully claim no more than the just application of its principles to measures and men. Freedom of conscience and freedom of suffrage are the birthright of the American citizen, and if party required the sacrifice of both, or of either, it would be the instrument of despotism, rather than the means of preserving liberty.

In 1844, I had the honor to be placed on the electoral ticket of this State; if Mr. Van Buren had been the nominee of the Baltimore convention of that year, I should have declined to serve. Subsequent events have not made me, as a Southern

man, less tenacious of our rights, less watchful of our interests, or less cautious in the selection of those whom we ought to trust. Mutual confidence and common objects cause the Democracy to meet in the National Convention, and justify the expectation of joint action in the canvass. It was not only untrue but absurd to represent me as having announced that I would not support the nominees of the Baltimore Convention, when by that body only could I hope those would be nominated who would be acceptable to me.

I have endeavored to show that the statement of the gentlemen of Noxubee, did not support the accusation, and upon that point, will here add that I have received a letter from Macon, Noxubee county, dated Jan. 24th, 1852 in which twelve gentlemen, two of them signers of the statement to which Gov. Foote invites special attention, come forward to contradict the report that I had said in a speech at that place that I would not support the nominees of the Baltimore Convention. That was the slander, which because of the mischievous purpose, manifested by it, I noticed in my speech before the convention.

My letter has expanded much beyond the limit I expected to give it, and probably still more beyond that justified by the subject. I do not deem it necessary to reply to an attack on the abstract right of secession, by one who was formerly its most noisy advocate, who then quoted Jackson and Jefferson for it, as confidently as he now quotes them against it, who once announced "If Congress were to repeal the (fugitive slave) law —if the Government refused to enforce it—then we would peaceably secede:" but now admits no remedy for an aggrieved State except an appeal to the higher law of force, the right which might confers. If his political positions of to-day, be not answered by those of yesterday, we may safely wait for the answer to-morrow will bring. It is only to be regretted that the station which gives force to his vituperation cannot endow him with the dignity which would induce him to abstain from it.

Very truly, your friend, &c., &c.,

JEFFERSON DAVIS.

Jefferson Davis to the People of Mississippi

(From Mississippi Free Trader, Feb. 11, 1852.)

In the month of September last when a vacancy occurred in the Democratic State ticket, by the withdrawal of the candidate for the office of Governor of the State, and the Democracy

nominated me to supply the vacancy, I resigned the office of United States Senator, which I then held for six years from the 4th of March 1851. My opponent was also an United States Senator, having two years from the 4th of March 1851, that being the unexpired portion of his term. It was announced in various forms that he would resign his commission of Senator before the approaching election of November, and in the month of October, certain Whig newspaper supporting his election published a statement that he had resigned the office of United States Senator. This however, proved to be a convenient arrangement, which did in nowise interfere with the privileges and perquisites of the station, and finally did not vacate the office which he held. Before that event which did annul his commission of United States Senator, viz: his inauguration as Governor, he resumed his seat in the Senate, and there, through the published debates, sent out to the world statements in relation to myself which he had never availed himself of the abundant opportunities he had possessed to make in my presence. I therefore take this mode to make that reply which I would have made in person, had my resignation been such a fiction as still to have left me in the Senate when the statements were made.

In the daily *Union* of December 20, 1851, a speech of Mr. Foote, of Mississippi, is reported in what appears to be a revised form, from which I make the following extract:

"In like manner difficulties which we encountered have been 'fortunately adjusted by the compromise.' Had it not been adopted, I fear civil war would have ensued. In fact, I could name the military leaders who were expected by their admiring friends to gain immortal glory in the anticipated conflict of arms. The honorable Senator from Carolina (Mr. Rhett,) attended public meetings, at which two distinguished military gentlemen of my own State were named as the persons best suited to command the armies of the South in the war then expected to occur. I believe that he himself aided in doing anticipated honor to one or both of them as such. Each one of those persons, too, was nominated to the presidency of the Southern Republic. They were marked out for military, and civil honors by hundreds of toasts drunk on various occasions. They were especially referred to by Mr. Pickens, of South Carolina, in a letter addressed to a committee in my own State, who invited him to attend what is known to all of us as the 'Quitman festival,' as the selected 'leaders' of the South in the contest of arms then looked on as impending."

Mr. RHETT. "Will the gentlemen allow me to say a single word in justice to others?"

Mr. FOOTE. "I will allow the Senator at any time to make an explanation, although he has not always granted that privilege to myself."

Mr. RHETT. "I do not propose to say anything more in relation to myself; I merely wish to say that I think the Senator has done injustice to distinguished men not here. I presume he alludes to persons in his own State; he says that I was present at a meeting at which they were spoken of as the military leaders of the South."

Mr. FOOTE. "What I said was this: that toasts were drunk at a meeting at which the honorable Senator was present, which referred to them as leaders of the South in the event of a civil war; and at which they were also nominated as suitable persons to be at the head of a Southern Republic."

Mr. RHETT. "I know of no meeting at which I was present, at which they were spoken of as military leaders of the South. I never believed one word of all that has been said in relation to the blood to be shed in such a matter. Perhaps toasts may have been given to Gen. Quitman and Col. Davis, as fit persons for the Presidency of a Southern Confederacy; but as to war and bloodshed, I never believed there would be anything of the sort."

Mr. FOOTE.—"I tell the gentleman that Mr. Pickens whose name I never mention with any intention of doing him disrespect—did write a letter which was published in several papers in Mississippi which I put into my scrap-book and read every day as a part of each of some one hundred speeches or so, in which he did designate Gen. Quitman and Col. Davis as the selected leaders of the South in the contest of arms then expected by certain persons in South Carolina. I say that, in my opinion, a civil war was confidently expected in my own State, and in other States of the union by certain persons.'

Does the gentleman mean to say as his remarks taken in connection seem to imply, that I and those with whom I acted in Mississippi, confidently expected a civil war? This would be an assumption wholly unfounded and worse than gratuitous. No one knows better than himself that my course in the Senate relieves me from such suspicion. I defy him to produce anything said by me which warrants the conclusion. I invite a comparison between his language and my own upon that and kindred subjects. Nor can the accusation be more justifiable when applied to those with whom I acted in the late canvass

in Mississippi. Their position was distinctly defined by the general convention which nominated their State ticket and must have been known to one who was there in the field as a candidate. In the fifteenth of the series of resolutions which constitute their platform for the canvass they said—

"*Resolved*, That the advocates of State Rights are the true friends of the South, and of the Union; and that no right can be more clear or more essential to the protection of the minority, than the right of a State peaceably to withdraw from the Union, without denial or obstruction from any quarter; but whilst we assert the right, we consider it the last remedy, the final alternative, and also declare that the exercise of it by the State of Mississippi, under existing circumstances, would be inexpedient, and is a proposition which does not meet the approbation of this Convention."

This surely does not look like a confident expectation of civil war? There is the declaration that they did not contemplate secession, and that if as the last alternative it should ever be resorted to, it should be as a peaceable remedy. This was the first and only position of the party, upon that subject. Unless then, there be certain persons who have run to such extreme of consolidation as to believe that the Federal government would make war upon the State if that position was endorsed by the people; that the President would call out the army and navy to reform their political opinions, I do not perceive how or why "civil war was confidently expected in the gentleman's own State." It will be remembered by many who heard me during the canvass that so far as I treated of civil conflict in another State, (South Carolina) it was to deprecate it, and argue for our policy as that which would best serve to avert the calamity. But it was announced by Senator Foote, that two gentlemen of Mississippi, were referred to, at a meeting at which Mr. Rhett of South Carolina was present, as the leaders of the South in the event of civil war, and as suitable persons to be at the head of a Southern Republic; that at meetings attended by Mr. Rhett, they had been marked out for military and civil honors by hundreds of toasts drunk on various occasions; he had previously said that he "could name the military leaders who were expected by their admiring friends to gain immortal glory in the anticipated conflict of arms." Thanks to the generous interposition of Mr. Rhett, to shield from injustice absent Mississippians who were assailed by the representative of their own State, the names were brought out

—Gen. Quitman and Col. Davis. This is not the first petty fling which has been made at me as a military leader. The gentleman it seems cannot forgive the offence of having attracted the kind consideration of my fellow-citizens by such services as it was my fortune to render in the war with Mexico.

But I address myself to the assertion made, and ask where, when and by whom, were those toasts drunk, that selection made, that nomination announced? Having never seen or heard of my selection as a military leader of the South in an anticipated civil war, or of my nomination as the head of a proposed Southern confederacy, or of one toast connecting my name with either or both positions, I must have proof before I believe the occurrence to have been so frequent as it is represented.

If it has been done in any case, whenever I learn when and by whom, it will be easy for me to obtain the most conclusive evidence that it was without any understanding with, or good reason to suppose the proposition would be acceptable to me.

As to the letter of Mr. Pickens, the contents of which I do not accurately remember, and of which I have no copy, I will only say that having been written in answer to an invitation to a festival in honor of Gen. Quitman, it is not at all surprising that he should particularly have noticed the distinguished military services of Gen. Quitman, nor that he should have connected with him many names of Mississippi as a complimentary reference to the State. Mr. Pickens is only known to me through his public reputation, and the commanding talent which has made his name familiar to us all. We have no personal acquaintance and have had no correspondence. He might have applied to my late colleague of the State to learn my position; the reverse is not a supposable case. The reliance upon that letter must be taken as evidence that the gentleman had but narrow foundation for his broad assertion.

In the daily Union of December 28, 1851, Mr. Foote is reported on the 20th of that month in reply to a statement of Mr. Rhett, as to what had occurred between those gentlemen when their relations seem to have been closer than now, to have said:

"If the gentlemen had known what peculiar difficulties we had to encounter in Mississippi; if he had known what peculiar Taylor-Cass speeches were made there by persons who possessed a particular influence—which made me leave certain duties which I was performing here, for the purpose of counteracting movements elsewhere—he would perhaps have per-

ceived that circumstances had occurred which I had no right to anticipate at the time of that conversation. These circumstances were of such a nature as even to justify some surprise that the State was not carried by 10,000 majority against us."

The allusions to Taylor-Cass speeches will I presume be so generally understood to have referred to me, that it would seem like affectation to doubt it. I will apply the test of fact to the whole statement. Those speeches he says compelled him to leave duties he was performing at Washington. The first speech I made in the Presidential canvass of 1848 was at Raymond, having gone there by invitation to a meeting for two days of joint discussion. I arrived late and found Gen. Foote upon the stand erected for the speakers. If he alluded to my speeches, telegraphic speed would not serve to reconcile the statement with the fact; if it was not to me then to whom did he allude? Again, what was there in my speeches which he had no right to anticipate? He knew before the Nicholson letter was printed that I was not satisfied with it. He knew that I honored Gen. Taylor as a patriot, soldier and an honest man. In the few counties which my physical strength enabled me to visit I rendered justice to General Taylor as a man who had rendered services to his country. I acknowledged my obligations to him for acts of kindness done to Mississippi's sons when under his command. Thus I was willing to pay the debt of gratitude I felt to be due to him. With all the power I possessed, I urged upon those whom I addressed the support of Gen. Cass as the Democratic candidate for the Presidency, always objecting to his doctrine of squatter sovereignty, but arguing that the opinion was unconnected with the duties which would devolve upon him if elected President of the United States. Are these the circumstances which render it surprising that we did not lose the State by a majority of ten thousand? I believed then that every speech made to depreciate Gen. Taylor, increased his strength.

He possessed the affections and confidence of the people, and I have no doubt that injustice done to his capacity and his character drove many Democrats to his support, who otherwise would have maintained their party allegiance. The few speeches that I made could have produced but little effect, but that they were not very potent for evil is conclusively shown by the election returns of those counties which I visited. They were Claiborne, Hinds, Madison, Warren and Yazoo. If the Democratic party throughout the State had sustained its ticket as

well as in those counties there would have been no loss which would have called for an explanation.

I have noticed only those points in the speeches I have referred to, which were, or seemed to be, directed particularly at myself, and have I trust observed that temperance in language which, proper at all times, is especially suggested by the present position of him whose remarks I have felt myself called upon to answer. It has been done as a duty to my own reputation, to those with whom I was associated and above all to the cause in which we labored. Your fellow-citizen.

JEFFERSON DAVIS.

Warren co., Miss., Jan. 26, 1852.

Jefferson Davis to Messrs. Barksdale and Jones.

(From Yazoo Democrat, March 10 and March 17, 1852.)

Brierfield, Miss., 16 Feb., 1852.

Messrs. Barksdale & Jones:

Gentlemen:—Since my communication to you of the 2d inst., in reply to accusations contained in a published letter of Gov. Foote, he has sent out, through his organ, some eleven and three-quarter columns, in continuation of his slanders against myself and the party of which I am proud to be a member. If we could be surprised at any absurdity or corrupt device on the part of this man, it might excite astonishment that he complains of a disappointed hope of repose which he had expected to enjoy after the "painfully protracted contest which has occurred in our midst within the last two years." The democratic party, true to their previous declarations and long-established principle sat peacefully down under the decision of the people when the election was over. I, an humble member of that party, form no exception to this general remark. In an address which I made to the people of Mississippi, in September last, after my nomination by the Democracy as their candidate for Governor, I said, in relation to those great questions, to consider which, a convention was soon to assemble—

"I acquiesce in the decision of the people, the source of all power in the State, whatever that decision may be."

After the November election, I returned to my secluded home, and to the quiet labors of plantation life. Here I was not likely to disturb his repose, but how did he evince his desire for peace?

He left Mississippi soon after the November election, and paused at Montgomery, Alabama, from the door of the stranger to send back his arrows of vituperation at the Democratic State Rights party of Mississippi. In the Senate of the United States, he so far forgot the obligations of his station, as there to continue his slanderous misrepresentations against a large party in the State, and therefore against the State, by virtue of whose commission he spoke. He returned to Mississippi, and on the evening of his arrival at the seat of government, being the day before his inauguration as Governor of the State, made a public harangue, which, as reported to me, was more coarse and libellous than might have been anticipated even from him. In the wide circle of his malignant abuse, including the venerable patriot who was Governor of the State by virtue of his office of President of the Senate, some of the purest members of the Legislature with which he was soon to act in behalf of the people, and the gentleman who had recently taken his seat, and was the sole representative of Mississippi, in the United States Senate. But the character and public usefulness of these, and other distinguished democrats, who came in for their share of his vilification, cannot be injured by the venom of a common defamer; and it is here only referred to as marking the hollowness and audacity of his complaint that he is forced into strife by the assailant of others. Scarcely less surprising is the egotism and insensibility he exhibits in vaunting of his election, as a victory by which his adversaries had been put to route. In view of the fact that he was hindmost of his ticket, and many thousands in rear of the vote his party had given but two months before, most men would have left that point untouched. And he who is stupid enough to attract public attention to it, might thank the chance which should catch his "brains out," as giving evidence to the world that he had possessed that within, of which the manifestations had been too faint to be considered conclusive.

Before proceeding to notice his article, I wish to correct a great error into which he has fallen, in the supposition that I had "unappeasable hatred" of him, and had made an "attack upon his sensibilities and character." It was not his character, but his want of it, which I intended to exhibit, and would never have attempted to pierce the impenetrable shield of his vanity in search of a sensibility which I had no reason to believe was within. I sometimes feel for him pity, sometimes contempt; but hold him too light ever to have for him the sentiment of hate. I have noticed him, and do so now, to counteract evil which he

might do where less known, or differently estimated. I have long been assured that he was secretly engaged in the dishonorable work which his supposed importance leads him now more openly to perform, and have cause to congratulate myself on this change in his plan of operations However he may claim to have abstained from attacks on me in my absence, no one can fail to be struck with the readiness with which he produces all the injurious reports which have been uttered against me, during my years of political life; and most men must believe, as I do, that his mind has been the general depository and principal manufactory of them. They have been well preserved, and prove the zealous care of their keeper. I will show that they are false; that this "critical period" at which he "must be re-elected to the Senate or defeated," he comes into the list with poisoned weapons, and should not be permitted to remain on the field with honorable competitors.

He says his course in relation to his "claims as a senatorial candidate," is not quite as bad as Col. Davis' celebrated letter three years ago to Mr. Searles, of Vicksburg, written to be used among the whig members of the Legislature, for the purpose of obtaining, if possible, their votes; which letter, every one who read it, understood as giving pretty distinct assurance that the Colonel, if elected, would give more or less support to the whig administration then existing. I challenge the publication of this letter. If it shall ever see the light, the democrats of the nation will have no difficulty in determining *what sort of a democrat Colonel Davis is, and has ever been.*" He may equivocate out of the last clause of the above sentence, italicized though it be. I therefore take notice of it here, neither will I notice the date, though it was probably misstated to suggest a falsehood; but address myself to the main features of his slander. Mr. Searles was my personal and political friend, and as little likely to be selected from any supposed alliance with the whig party, as any democrat of my acquaintance. He was a member of the commission house to which my business was entrusted, and in frequent correspondence with me. At a time when great excitement prevailed in relation to the action of the federal government on the subject of slavery, I wrote a private letter to Mr. Searles, and as my memory serves me at the close of it, stated my belief that if the "Wilmot Proviso" should pass President Taylor would check it by the executive veto. Though writing to a democrat, I did not doubt he would receive this assurance, and I would not have corresponded with any man to whom I could not at-

tribute such superiority of patriotism over partizanship. The only political information in the letter was that to which I have referred and the sentence containing it was read at a public meeting. Speculation as to the character of the letter followed, and my nearest relative called for the lettter, and published it in the Mississippian. Nothing could be more unfounded than his assertion as to the construction placed upon it by those who read it, which as it was published, means everybody who chose. It removed any distrust which such slander as he now promulgates had created in the minds of my democratic friends. The motive which he ascribes to me to institute a comparison with himself, is worthy of him; but in attributing it to me, he basely, infamously lies.

He says that I was reported to have made a speech in Natchez, on my way home from Mexico, in which I openly denounced Mr. Polk for the withdrawal of certain regiments from General Taylor, in Mexico; and at a dinner given to Mr. Crittenden, I complained most vehemently of that act, leaving it doubtful with those who heard me whether I intended to cast censure on Mr. Polk or Gen. Scott.

I felt deeply on account of the withdrawal of those regiments. It subjected the army of the Rio Grande to imminent danger of destruction, and our country's flag to the critical condition from which it was so wonderfully rescued by the skill of Gen. Taylor, and the valor of his troops. It caused many sons of Mississippi to bleed and die upon the field of battle, and many families and friends yet mourn the gallant dead. I felt deeply, and may have spoken strongly; but never censured Mr. Polk for it. I am sure of this, because, when in Mexico, I wrote to my late colleague of the House of Representatives, (Stephen Adams) and as a friend of Mr. Polk, asked for the correspondence and orders which preceded the departure of Gen. Scott for the seat of war; convinced that, if all the facts were known, the President would be relieved from the censure which many in the army then attached to him. Mr. Adams had no opportunity to make the call through the House of Representatives; he therefore visited the President with my letter; and by authority, made a confidential communication to me, which renders it impossible that I should ever have censured Mr. Polk for the act.

I recollect after my return from Mexico, I was informed by Mr. C. J. Searles of certain misrepresentations against myself then in circulation; among them was one which implied hostility to Mr. Polk for a totally different reason from that now given

by Gov. Foote. I replied, and with my letter sent a correspondence between Mr. Polk and myself, which showed his kind appreciation of me, and my thankfulness for it. These letters were published in the Vicksburg Sentinel of the 6th of October, 1847; and if Gov. Foote had seen and believed such a report of my Natchez speech as he now exhumes, these letters should have removed the impression. But these facts could probably find no appropriate place either in his store room or manufactory of reports concerning me, and his researches into the old files of whig newspapers might not aid his memory in such a case.

He stated in his seat in the Senate, after I had ceased to be a member of it, that I had been selected as one of the two military leaders of the South in an anticipated civil war; that I had been nominated as the head of a proposed Southern confederacy; and marked out for military and civil honors, in hundreds of toasts drunk at public meetings, which meetings he must have intended, by the connection in which he introduced them, to characterize as disunion meetings. I replied in the mode which was open to me, and *asked where, when, and by whom* those things had been done. I called for specific proof, because I discredited his statement, and also because it would enable me to obtain the most conclusive evidence that it was without any understanding with, or good reason to suppose, the proposition would be acceptable to me, if indeed, I had been thus selected or nominated. To this call for proof, Gov. Foote answers, thus: "The gentleman demands *proof* and proof he shall have to his heart's content."

Terrific was the warning to surrender, but not quite equalled by the vigor of the siege. First he brings forward the letter of Mr. Pickens, which, in the United States Senate he had announced he had put into his scrap book and read every day as a part of each of some one hundred speeches. Taking the fact as stated by him, it must be supposed he was so familiar with its contents, that he could only mistake them with criminal intent. In the United States Senate, in the debate from which I have heretofore published an extract, he is reported to have said in his last and modified expression, that Mr. Pickens in that letter "did designate Gen. Quitman and Col. Davis as the selected leaders of the South in the contest of arms then expected by certain persons in South Carolina." "I say that in my opinion a civil war was confidently expected in my own State." To sustain that specific assertion, he now produces the

following, which he says is found towards the conclusion of Mr. Pickens' letter.

"Mississippi, with such men as Quitman and Davis to lead her to the breach, can do any thing she dare to maintain her rights."

Yes! my beloved Mississippi—though deceived by him whom you trusted—stung by the adder you have warmed in your bosom, weakened by the traitor who hangs like an incubus upon you—you can, with or without "Quitman and Davis," do any thing you dare to maintain your rights; and you dare do anything which is necessary to maintain them. Would any true son of Mississippi have taken exception to such a compliment paid to his mother? Would any honest mind have found in that, an indication of civil war in Mississippi, or a selection of the leaders to command the armies of the South? He next attempts to prop up his unsustained assertion by the introduction of what he terms Col. Pickens' "celebrated Edgefield speech," in which he is represented to have said in reference to Gen. Quitman and myself:

"If they carry Mississippi, as I feel assured they will, we will greet whatever propositions they may have to make, with a cordial and hearty welcome, because we know they could make none but what were compatible with the vindication of our rights and honor."

Upon this the gentleman says: "what sort of propositions Col. Pickens expected to come from these gentlemen, I leave others to decide."

In the speech which I made at Fayette, the pamphlet edition of which he says was widely circulated, and from which he pretended to quote immediately between two of his extracts he must have seen that which made it a fraud in him to affect to believe that any proposition against the Union of our forefathers would have been made by me, and thereupon to announce that, as commander in chief of the army and navy of Mississippi, he had no such proposition to make. There I distinctly stated as a reason why Mississippi should meet South Carolina in friendly council, that thus the latter State might be prevented from seceding, and "the first wish of both might be obtained, the adoption of measures by the Southern States which would finally secure the rights of the Southern and perpetuate the Union of the States." The speech which I

made at Fayette, was published in pamphlet form, but the proof sheet was not read by myself, and there are some errors in it. I have said however, that he *pretended* to quote from that speech, and I said so because his extracts are so garbled as to conceal the opinions expressed italicised by himself, and grossly misquoted to sustain his assertion that it was "revolutionary and warlike in its character: for instance—his last extract reads thus:

"To the ladies he returned his thanks, &c. * * * The *resolutions* against power and oppression had generally been found on the side of liberty and justice. Thus it had been in the revolution which gave the land to freedom, and freedom to mankind; thus it was in the last struggle of unhappy Poland, when the courage of the women sustained the failing hopes of the patriot, and their vessels furnished the succor to sustain the soldiery who fought the last battle before Poland's freedom perished forever."

The pamphlet copy of my speech reads thus:

"To the ladies, he returned his thanks for their numerous attendance; and expressed the gratification he felt in this manifestation of their interest in the great questions that agitated the public mind. This interest became them, for who was more deeply interested in the peace and prosperity of the country than they; and their countenance gave assurance, not only of success, but of the justice and nobility of the cause. It was in their generous natures to be elevated above sordid temptations—they were removed from the petty strifes and petty rivalries, which too often dragged man's nature down, and sunk the patriot to the partizan. In revolutions against power and oppression, the women had generally been found on the side of liberty and justice. Thus it had been in the revolution which gave this land to freedom, and freedom to mankind; thus it was in the last struggle of unhappy Poland, when the courage of the women sustained the failing hopes of the patriot, and their jewels furnished the means to sustain the soldiery who fought the last battle before Poland's freedom perished forever. The present occasion called for less sacrifice than those, but yet required enough to arouse their lofty nature to its loftiest efforts."

Will any one wonder, knowing the man as I did, and as he must appear to others by this act, that I should have discredited his statements, and called for specific proof?

He says he has several hundred toasts, but will only set forth

a few. This being in reply to my demand for proof of my selection as a military leader of the South, in an anticipated civil war, or of my nomination as the head of a proposed Southern Confederacy, he has, of course, selected in relation to those points. He says:

"And now for the *when* the *where,* and the *by whom* of the toasts," &c. "I select principally from those drunk at Charleston, Bluffton, Bullswamp and Columbia. Behold!"

With this startling announcement he presents fourteen toasts, with but three of which I am directly or indirectly connected; and of these, but one bears upon the points on which I demanded proof. I was promised the where, the when, and the by whom, according to my demand for specific proof; they have not been given; the demand stands unanswered. And I have no means of using the information as I originally suggested; or of learning how far these are literal copies. The doubt of their existence has not, therefore been removed. But take the case as it is presented, and the only toast bearing upon the issue, is the following:

"South Carolina—Separate action, if co-operation cannot be obtained. *Quitman or Davis the first President of the Southern Confederacy.*"

Does this prove any organization for the establishment of a Southern Confederacy? Is it not manifest that even he who gave the toast had no confidence in the co-operation of the Southern States, and had no cointelligence with those whose names he used? Else he would not have thus contingently attached them to the sentiment, "South Carolina—*Separate action, if co-operation cannot be obtained.*"

The other two toasts are:

"Quitman and Davis.—The heroes of the Gate of Belen and Pass of Buena Vista. *The South looks to them to lead to victory and to liberty.*"

"By Tho. H. Coe, (one of the Committee) Col. Jeff. Davis. —The 'Game Cock' of the South; may his cheering voice awaken her slumbering sons, and herald the dawn of Southern liberty."

Is this the evidence of my selection as a military leader of the South in an anticipated civil war? If the language be literally construed, it is not as significant of civil war, as that

of our bellicose, peace-proclaiming, self-announcing Commander-in-Chief of the Army and Navy of the State of Mississippi. Compare the one with the other. In the verbose publication before me he says: If we must fight as hard in order to hold secure possession of the field of victory, as we had to do in order to put our adversaries to rout in past encounters with them, my soul at least, shall never grow weary of the struggle, nor my energies become relaxed whilst yet in the presence of the foe." If our Governor literally meant all which in his heat he said, those seamen of Mississippi who have been idly lounging on shore, should be preparing for service afloat. Perhaps in some undiscovered ocean to find that unseen army of the South which so much endangers the Union.

(This part in paper of March 17, 1852.)

As evidence that a civil war was really in contemplation in Mississippi, he says Governor Quitman called a special session of the Legislature, and recommended prompt secession. The message was printed, and is before the country. Gov. Quitman has often denied that construction of it, and lives to make any explanation of his language which may be necessary. He further says: "The movements of Gen. Quitman were understood to be advised by Col. Davis," &c. And that he has "reason to believe that Gen. Quitman never would have convened the Legislature in special session in November, 1850, had he not been advised to do so from Washington city." That Gov. Quitman's message at the opening of that session "was not sent," he is sure, "until Col. Davis had been consulted in regard to its contents." That "night after night, after the emanation of the message, Col. Davis and others attended in the State capitol and made speeches in support of the leading recommendations of the message."

To all this I briefly reply, that I did not see the message until after it had been printed, and read it for the first time when on a journey to Washington city; that Gen. Quitman could not have needed my advice, and if he had felt otherwise, he had no opportunity to consult me in regard to the contents of his message. That if (as it will no doubt be believed by those who read his address) he means to say that I advised Gen. Quitman to call the special session of the Legislature, it is wholly untrue. And I will add, that I considered the act of the Legislature at its previous session required that they should be thus called together. That on the 14th of November, 1850, I was invited by thirty members of the Senate and House of

Representatives to deliver an address in the Representatives' Hall on the evening of that day, in relation to the measures of the preceeding Congress, and the state of public affairs; and that I accepted the invitation, and spoke as proposed. These imputations Gen. Quitman can answer more perfectly than another; and I leave them to him, with the entire confidence that after he shall have noticed them there will be nothing left to cavil about. The true reason for believing that a civil war was in contemplation in Mississippi, he presents thus:

"Col. Davis had written a letter in December last, in which he urged the adoption of measures for putting Mississippi in a state of preparation, 'armed if need be.' In his letter he had demanded certain additional 'guaranties' and said:

" 'If these guaranties be granted, the minority could live in equality under the temple of our federal compact,' &c., &c."

To whom was this letter addressed? where has it been found? and what are the certain guaranties demanded? Can it be that facts so little restrain him, that he thus describes an answer which I gave to certain interrogatories propounded to me by some of his particular friends, when we were both in Jackson last November was a year ago? If so, let any one who deems the matter of sufficient importance refer to that letter, and he will find that I stated approvingly what I considered the position of the State, taken in the Convention of October, 1849, and by the Legislature at the succeeding session. And that so far from looking to civil war, that I believe the course in which the State had started, if followed out, would never lead to that result. But when he says that I "demanded certain additional guaranties," he states what I am sure is not contained in any letter I ever wrote: because I have always held that no one of the parties could, with propriety, dictate to others equally interested, the policy they should adopt—but that in general conference it must be decided whether anything, and if anything, what should be done. The proposition for a convention of the Southern States, once so much lauded by Governor Foote, surely meant no less than this, and it could not have included more. Principles are unchangeable: measures are modified by attending circumstances. The date, therefore is important, when the question is one of expediency. In December last no one could have thought of writing such a letter as he describes. In 1850, the measures miscalled a compromise were the laws of the land. It was possible, not probable in our divided condition, that the South would obtain a

modification of them, which would give her the "extreme concession" of the Nashville Convention. Our position then was that of a sectional minority. Our prospect was to sink still lower in the scale of relative strength. Then, I said, in connection with the proposition for a convention of delegates from the slave-holding States, as presented in the Mississippi address: "The States thus united, should, in my opinion, demand such guaranties as would secure to them the safety, the benefits, the tranquility, which the Union was designed to confer." What must he think of the co-States, who says this would have led to a dissolution of the Union? And to what condition must he not be willing to consign the next generation, who considers it an offence in ours to claim security for that, which the Union was formed to promote?

If any by industrious and reckless misrepresentation have been so far misled as to attribute to me a purpose to destroy our Union, by this course, I refer him to that letter, and in the portions of it which my enemies take care not to quote, they will find I hope, satisfactory evidence of the deception which has been practiced upon them.

But who is he who now wearies the ear and palls the sense by ranting denunciations of "secession leaders," the "Nashville Convention," and "plots of the disunionists for the formation of a Southern Confederacy?" It is the same H. S. Foote, who, on the 14th of February, 1850, in the U. S. Senate, said he cordially adopted and reiterated my remarks in relation to the Mississippi Convention; the same who defended the Nashville Convention, and said that it was not to subvert but to perpetuate the Union; and added, that he did "not doubt though, that such a convention might serve as a convenient rallying point, in the event of our being driven out of the Union by intolerable oppression, and enable us to save ourselves from utter ruin." The same who, in the U. S. Senate, on the 18th of August, 1850, reaffirmed what he said he had repeatedly declared, that a State had the right, under certain circumstances, to secede from the Union. The same who, on the 2d day of August, 1850, said, "when unconstitutional acts were perpetrated by the government, amounting to intolerable oppression," he had "ever believed that it was in such a case the duty of a State, or States, or any portion of the people, to resist it to the utmost."

Thus it appears that whilst others were innocently entering into, and endorsing, the Nashville Convention, as the means of perpetuating the Union, this man, who now professes such

unmitigated horror of a Southern Confederacy, saw, in that Convention, whilst approving it, a convenient rallying point for those who should go out of the Union.

That he should have confounded the idea of State interposition, with the revolutionary right of resistance by "any portion of the people," showed the vagueness of his political opinions, and how well qualified he is to rail at the doctrine of State Rights and State Remedies. Can this ignorance also account for his fiction that the State Rights Democracy anticipates civil war in Mississippi; and the purpose to form a Southern Confederacy was contingent upon their success in the September and November elections?

He accuses me of having desired that the Legislature should assemble in special session, in November, 1850, "for the purpose, in part, at least, of censuring" him, "approving" me—says that I was in Jackson, when the Legislature met, and remained until a resolution for that purpose was concocted in committee and reported to the House. That the resolution was drawn up by my "intimate and confidential friend, Mr. McRae;" and that he does not doubt that I "saw and advised the adoption of the resolution." Poor egotist! Because his own vision is always turned inwards, so that he can see nothing except through the medium of his own interest, he imagines others equally occupied in the contemplation of him. It is not true that I saw the resolution before it was introduced to the House; and my recollection is that it was introduced by Mr. Nash, after I left Jackson.

Gov. Foote was at Jackson when I arrived there, and remained there after I had departed.

But how does it happen that these convictions which he now announces were not declared in my presence when the matter was new, if as he so rationally affirms he is merciful to the absent and harshest to his antagonist when most near? Why has this grievance festered in secret until he reached his "*present official attitude?*" I well remember when the resolutions censuring him reached Washington, copies having been sent both to him and myself, that he came to me and said he wished to present them, and I agreed with the understanding that he would do so with the respect due to the Legislature. He did present them, but in so churlish a manner, that I had to call for their reading, and move that they should be printed. I heard nothing then of his considering me responsible for their inception or contents. I cannot now perceive why he should have gone beyond the journal of the legislature to find a reason

both for their introduction and passage. There he would have found the series of resolutions which he was so eager to bring to public notice, that he borrowed an *unauthenticated* copy which had been sent to me, and used it in a speech delivered in the Senate of the United States, March 21st, 1850.

Those resolutions were reported by the committee to whom "was referred the special message of the Governor, with the letters of our Senators and Representatives in Congress, on the subject of the admission of California into the Union as a State." One of these resolutions declared that the "admission of California under the circumstances recited, would be an act of fraud and oppression on the rights of the people of the slaveholding States; and it is the sense of this legislature, that our Senators and representatives should, to the extent of their ability, resist it by all honorable and constitutional means." He who used every means to find some by-path by which to escape such plain instructions, sought too by himself, and suggested in a fully discussed thrice written letter, might have expected censure, and in my opinion deserved it, whatever might have been the merits of the question.

He asserts that my avowed objection to the appointment of members of Congress as delegates to the Baltimore Convention, was "a suggestion evidently thrown out to discredit the appointment recently made by the Union Democratic Convention of Mississippi of our three Union representatives in Congress." Is he blind, and like the Cyclops, raving in his blindness? If he did not, others will see the contradiction presented in the two articles to which I am replying in one. In the first article when his object was to show that I had not been an efficient and active laborer for Mr. Cass' election in 1848, he introduced an extract from what he asserted was an accurate report of a speech I made in Jackson, in 1848. The extract begins thus: "He" (I) "referred to his" (my) "repeatedly expressed views in 1844, as to the impropriety, and evil tendency of members of Congress interfering with presidential nominations," &c., &c. In the second article when he had a different purpose, he notices a recent reference to and renewed expression of my former opinion against the appointment of members of Congress as delegates to the Baltimore Convention, and says, "this suggestion is evidently thrown out in order to discredit the appointment recently made by the Union Democratic Convention of Mississippi, of our three Union representatives in Congress." Thus does he in one article falsify what he had affirmed in another, but a few days before. And though he had found in

an old whig paper a sketch of a speech I had made in 1848, and produced it as a report of unquestionable accuracy, when he found that I, not knowing what he had done, had renewed the expression of this opinion, he noticed it in his second article thus: "This is certainly quite amusing to those who know, that Col. Davis, during the whole winter and spring of 1849, though a Senator of the United States at the time, was more actively concerned than any other person in Washington in all the political management then in progress in connection with the nominations of the Baltimore Convention." If he meant to say 1848, those who heard his secretly but industriously circulated slander that I was then in the whig councils, and kept apart from those who were intent on the nominations of the Baltimore Convention, must mark this new phase of his story with no little surprise.

His statement is utterly unfounded, a falsehood so low and malicious, that I cannot stoop to answer it, otherwise than by characterizing it as I have done. If Gov. Quitman entertains the opinion attributed to him, that I had prevented his nomination to the Vice-Presidency, he could probably assign no other reason for it than that it had thus been represented to him by Gov. Foote.

In a former article, I stated the fact that Governor Foote had assailed me in the United States Senate when I had ceased to be a member of that body, on accusations which he had never availed himself of the abundant opportunities he had possessed to bring forward in my presence. To this he replies:

"*When* I enjoyed *any* opportunity of controverting with him face to face, within the last twelve months, it is possible he may have it in his power to explain: or he at least may show *why* it was that I never found him upon any field of controversial warfare where I chanced to be doing battle for the good Union cause."

I have the power, and have no objection to using it. His article appears in the "Flag of the Union" of the 4th of February. Twelve months from that date we were both in the Senate, the very place where the attack was made after I had left it. In the month of May last, I heard, when in Madison county, that he had a short time before made a speech there, in which he denounced a "certain Senator from the South," as one who had refused to give the President the necessary power to execute the fugitive slave law, and to prevent the recurrence of such

scenes as the Boston riot; and has made such insinuations that a friend of mine asked if he alluded to me; and that he refused to answer the question. I came on to Jackson; the Union Convention which nominated him for Governor was then in session. At the time when it was announced he would speak, I attended and took a seat directly before him, that I might distinctly hear what he would say of me. He said substantially that he had no issue to make with his colleagues, that he never quoted their speeches or their votes. I spoke in the evening in the other end of the Capitol; there noticed the report which had reached me, that it had been insinuated that I, as a Senator, refused to furnish the President with the means necessary to the execution of the fugitive slave law. I pronounced it a falsehood, and proved it to be so, by a statement of what the Senate had done, and conclusively by the fact that no measure to give the President additional means for such a purpose, had been before the Senate. If he did not find me at any public meeting during the late canvass, it was because he did not attend any of the many appointments I made, which were publicly announced, and at which I always equally divided the time with any one who desired it. The people of Vicksburg will remember he declined to make such division of time on the evening when he spoke there—last November was a year ago—and when my friends proposed it in order that I should meet him in debate. I therefore do not know either of that generosity to the absent, or valor to the present, of which he so egotistically vaunts. But he says he referred to me in his remarks in the Senate by way of "historical allusion merely," that alliteration of mine, which is his special point, was historical, and not so harsh, or personally offensive as the language I used in the remarks I made in the evening, after he had arrived.

If he cannot understand the difference between respect for the office of Governor and respect for the individual who may be its occupant, he will probably learn it in the school of experience, in which alone, one class of men can be taught. That he yet has it to learn, I infer from the claim he sets up on the 8th of January, because he was governor elect, and because he was entitled to be considered a Senator for a day or two longer; that resignation of his to the contrary notwithstanding. I spoke of him harshly before he was inaugurated: against my will, his conduct has required me to do so afterwards. In my first publication after his inauguration, I avoided offensive expressions. But he says I more than once intimated that he

was guilty of falsehood and double dealing: I did not intend to intimate it; but to present the facts which proved it, as a defence due to myself, and my political friends. I quoted from "The Daily Union" of December 28th, 1851, the following remarks of Mr. Foote, in reply to Mr. Rhett, in a debate of the 20th December:

"If the gentleman had known what peculiar difficulties we had to encounter in Mississippi, if he had known what peculiar Taylor-Cass speeches were made there by persons who possessed a particular influence—which made me leave certain duties which I was performing here, for the purpose of counteracting movements elsewhere—he would perhaps have perceived that circumstances had occurred which I had no right to anticipate at the time of that conversation. These circumstances were of such a nature as even to justify some surprise that the State was not carried by 10,000 majority against us."

Not doubting that he referred to me as having made Taylor-Cass speeches, I thus commented upon it:

"Those speeches he says compelled him to leave duties he was performing at Washington. The first speech I made in the Presidential canvass of 1848 was at Raymond, having gone there by invitation, to a meeting for two days of joint discussion. I arrived late and found Gen. Foote upon the stand erected for the speakers. If he alluded to my speeches, telegraphic speed would not serve to reconcile the statement with the fact; if it was not to me, then *to whom did he allude?* Again, what was there in my speeches which he had no right to anticipate?"

He replies thus in the article before me:

"The true interpretation is, that I came home in order to counteract the 'influence' which I feared he might exert by speeches and otherwise. In the paragraph quoted, I spoke first of 'the peculiar difficulties which we had to encounter in Mississippi.' I then spoke of 'Taylor-Cass speeches' made here and there. I described these speeches as having been made by persons who possessed a 'peculiar influence,' which (that is to say, which influence or the dread of it) made me leave Washington 'for the purpose of counteracting movements' which I anticipated, &c., &c. I will leave it to any philologist in christendom to say whether I do not put the proper construction upon the language imputed to me in the report."

If the "philologists" sustain such equivocation, I am sure honest men will have nothing more to do with them. It seems unnecessary to add anything to such an exposition, yet I will say, that my opinions in relation to Mr. Cass and Gen. Taylor, must have been as well known to him when he conversed with Mr. Rhett, as when he left Washington to visit Mississippi. At the receptions at Natchez, Vicksburg and New Orleans, on the return of the Mississippi regiment from Mexico, and at the dinner on the occasion of the resignation of Mr. Crittenden from the Senate, I spoke of Gen. Taylor as a great soldier, a pure patriot and honest man, and thus will I ever speak of him. The attempt to represent the speech at the dinner to Mr. Crittenden as political in its nature would be unworthy of a man who had anything noble in his character. The dinner was not political, and the toast to which I was called on to reply, was given to the army. He produces whig reports only of the speeches I made in the canvass of 1848. The files of these papers through his present supporters would probably show something in relation to himself, at that period, which it would give him no gratification to publish. Secluded as I am, I have no opportunity to refer to democratic papers to find their notices of my speeches at that time, and to present them as the appropriate answer to the extracts he brings from the whig papers of that date. Perhaps I might there find also, something in relation to his former connection with the whig party, when he saved the Union between himself and a seat in the Legislature. Much, very much, of his subsequent unmeasured abuse of the whig party and its leaders, I could not fail to find. There too, I might find his "authorized" construction of the "Nicholson letter," which he afterwards silently sat and heard it repudiated by its author, as one for which he (Gen. Cass) was in no degree responsible. Broadcast over the columns of the Mississippi press, might be found his declarations (within the last two years,) that old party distinctions were done away, and that a new organization should be founded upon recent acts of Congress. And after this had served his purpose, the shameless averment that he had been exceedingly, yea, painfully anxious to prevent that division in the ranks of the democratic party of the State which "he" foresaw would arise from a renewal of the contest at home which had been waged between "him and myself in the Senate." It will be recollected by many that after the close of the session at which "the compromise" passed, he visited Mississippi, traversed a considerable portion

of the State, and commenced that agitation which he subsequently continued.

On the other hand it must be remembered by some that I returned to my home, and occupied with private affairs, remained there until near the period when it was necessary to start back to Washington City. Who then, renewed the contest at home? Who did that which he says he foresaw would divide the democracy of Mississippi?

But the boldest of his misstatements, if they be not all of superlative degree, is that in relation to the ground of controversy between us. He says, that I was displeased with him because he would not yield "the principle of non-intervention" and aid me in the enactment of what he called at the time "*Wilmot Proviso South.*" He further says that "we had both acted together in 1848, in opposition to this dangerous and unconstitutional proposition," and that he "did not understand that he had been sent to Congress with instructions to *change front* upon a grave constitutional question," &c., &c. What proposition of mine did he term the *Wilmot Proviso South,* when did he use the expression, and where is it to be found?

It could not be when I proposed the extension of the Missouri compromise line—that line which the enemies of slave institutions most abhorred, because of the political implication contained in it, and which therefore the compromisers generally avoided in their propositions. But I say it could not have been that proposition which Gov. Foote denominated the *Wilmot Proviso South,* because, when I proposed it as the Southern boundary of Utah, he said he had "always been a 36° 30′ man, and having always thus voted, and having, in his opinion, though not the most efficient, been one of the most zealous advocates of 36° 30′ he would maintain his consistency by voting for 36° 30′—whereupon the reporter notes ("laughter,")—see appendix to Congressional Globe, 1st section, 31st Congress, p. 1484. It could not have been the proposition to remove obstructions of whatever kind, to the introduction of slaves into the territories, and to secure to property in slaves the same protection which was accorded to property of every other kind. Because though he did not aid me in the efforts I made for that purpose, he said on the 18th of June, 1850, in relation to the amendment offered by me to remove all obstructions, &c., &c., that he "presumed no Senator would rise in his place and say there was a majority in the body for a clause establishing slavery in those territories. He wished we had such a majority; if we had it, he would go for the amendment most cheerfully."

In this he went far beyond my proposition, and equally beyond my view of what was the power of the federal government and the policy of the South. How it is to be reconciled with what he calls his "oft avowed cherished opinions in regard to the impropriety of Congressional legislation on the subject of slavery, whether that legislation should be intended to benefit the South or to benefit the North?" I leave it to him to explain who could excite the laughter of the United States Senate by mentioning his consistency.

It is not easy to say what *he means* by the "principle of non-intervention"—perhaps it might be defined by reference to the legislation he extols, to be the power of the majority to take from, and grant to the minority as interest or caprice may dictate. For example, it justified the ingeniously named bill "to suppress the slave trade in the district of Columbia;" but forbade legislation to protect slave property in the territories, which, like the District of Columbia, were the common property of the States.

We did not agree in 1848 in relation to the question of slavery in the territories. We voted together it is true on the final passage of the bill known as the "Clayton Compromise," against which he had argued and upon grounds which I had never occupied. I assented to the proposition of Mr. Calhoun, that any Mexican law abolishing slavery in the territories acquired, was repealed by their acquisition; he said, "his judgment could not yet assent to it." I had confidence that the Supreme Court of the United States, as then constituted, would sustain the proposition; he announced a different opinion. I was willing to rely for the temporary government proposed on the officers who would be selected by the President, (Mr. Polk;) he considered that plan of government filled with danger from whatever point it was viewed. This was when emigration had been commenced—when the character of the population was yet to be determined. But when, in 1850, a population of anti-slavery character (rendered so in no small degree by the failure of the federal government to act,) had collected on those territories—when Mr. Fillmore, occupied the Presidential chair, and all the change of circumstances were suggestive of the position he had taken in 1848, then—he abandoned them—he abandoned them. I offer one example by way of illustration: In 1848—see Congressional Globe, 1st session, 30th Congress, page 998—"Mr. Foote" in relation to the territory acquired from Mexico, said—"Again, he contended that slavery could not exist without legislative protection." But in 1850, see

appendix to Congressional Globe, 1st session, 31st Congress, page 993, he said: "Sir, I would scorn to ask or to receive aid from Congress in support of our equal right to enter this territory with our property, with our Northern brethren." This is the grave, constitutional question upon which he could not change front at my dictation, and therefore incurred my displeasure. I must have been unreasonable, indeed, requiring from him more than the feats of a tumbler, if his change was not sufficient to satisfy me.

He renews his attempt to make capital out of what he terms my Taylor-Cass speeches in 1848; and says, of the speech I made at Raymond, that he will venture to say there was not a Democrat present who was not grossly offended. I do not doubt his ability to venture any assertion. He particularly refers to the deceased Gov. McNutt, then a democratic elector, as having "censured it in the strongest language, as did every democrat present whom "he" heard say anything on the subject." We know that Gov. McNutt said nothing to him; that he would on no occasion recognize him, holding him to be an assassin of character and "constitutionally a liar." I quote the striking expression of McNutt, which when I first heard it, I thought was too harsh; but what further observation has convinced me was just.

I stated in a former communication my opinion of the effect of my speeches in the presidential canvass of 1848, as well as that of the course which he pursued. What he thinks of the effect of my course in that canvass is of little importance to me; what he may say, or think, is of less. He announces however, that he had long ago "in a very deliberate manner and in writing," given me his opinion. More than four years ago, I heard of his having put forth several slanders against me, and I sent him a formal note calling upon him to avow or disavow them. Among them was the statement that I had labored to secure the election of Gen. Taylor, whilst pretending to support Gen. Cass. And that I had shown a want of devotion to the democratic cause.

To the specific matter of this inquiry, he gave the answer to which I suppose he alludes. He denied having questioned my motives, or made any accusation against me; said he had left my future vindication against what he "had hoped would turn out to be mere Whig aspersions" to be attended to by myself; had "never accused me of a want of devotion to the Democratic cause;" and that he "had not failed on many occasions to suggest certain grounds of allowance (too obvious to

need mention) for what might seem to some a rather lukewarm support of the Democratic candidates." Uninvited and disregarded he introduced into his reply speculations, and opinions, and expressions of regret and dissatisfaction at my course in the Presidential canvass of 1848. Such was the manner and occasion of the very deliberate written opinion to which he refers.

He has warned me that if I keep up this "controversial warfare" with him, that my friends will have to deplore my "want of discretion." That may be so; I certainly feel humbled by a controversy with one so regardless of all the obligations recognized by honorable men; and had not his position been such as to give a force to his words beyond what was due to his character, I should probably have left his falsehoods to counteract each other. Were I to attempt to answer all he has told, and all he may tell, I should expect to have such a fate as befell a plain-dealing man who heard that his political antagonist had been making false accusations against him, and went out to disprove them. His unscrupulous opponent, laughing at this occupation, said: whilst the former was disproving one old lie, he would tell a dozen new ones.

I have endeavored, as briefly as was consistent with the task of proving a negative, to expose the more prominent of those slanders against me, which have been drawn from their place of deposit by the approach of that "session of the Legislature" at which he says it "was known" he "must be reelected to the Senate, or be defeated." I congratulate myself that they have been thrown to the surface, to expire in the light like vermin turned up by the early spring furrow of the farmer.

It would have exhausted the bitterness of an ordinary heart to supply the rancor which he manifests towards me. Not so with his. He has an inexhaustible supply of vituperation, and turns from me to load the mass of the democratic party of Mississippi with abusive epithets, and coarsely to call them my "faithful tribe." If gratitude had a place within his breast, he would have remembered the favors received from that party by him, before he had deserted their cause in the hour of its need; he could not have forgotten their too generous forgiveness of his former offences. If dignity, or a sense of duty, could come near to his heart, he would not, in his present station, have spoken thus of *nearly* one half the voters of the State.

If this be the result of an insatiable thirst for office, the demoralizing consequence of making politics a trade, I am thankful that I have a known residence; not as he cynically says, a

"renowned locality," but a home, which, though humble in its pretensions, relieves me from any necessity for public employment.

What does he mean by his term of reproach, "secessionist?" He applies it equally to the members of the Democratic Convention of June and January last. I have heretofore shown that at the June Convention, though the right was asserted, its exercise was not contemplated. But my antagonist comes forward with such construction of the expression "existing circumstances" as is worthy of one whose life is one long course of intrigue and deception. Though he had endorsed the resolutions of the Convention of October, 1849, in all their "amplitude," he now brings forward those of the series which were reaffirmed, and the positions of which were declared to be met, as part of his evidence of the purpose of the members of the June Convention to exercise the right of State secession. An honest mind would have viewed the case very differently. The October Convention declared that the State should not submit to certain acts if done by the U. S. Congress: the June Convention declared that the acts had been done; and further, that secession "by the State of Mississippi, under existing circumstances, would be inexpedient, and is a proposition which does not meet the approbation of this Convention." What could this mean, but that they were not willing to resort to the last alternative in the then state of the case? With their resolutions the Convention presented a State ticket; their candidates were honorable men, and must have declined the nomination, if they had entertained other views than those entertained by the Convention. But if they had been faithless, they were too intelligent to suppose that the State could be put on trial of secession by the act of the Executive, or of the Legislature, or of the Convention, which had been authorized by law, or all of them combined. If the Convention, in accordance with its powers, should propose to the people of Mississippi to withdraw from the Union, the Democratic State Rights party of the State, by their resolutions were pledged to oppose the proposition. They had declared that they were not willing to fly to that which they had designated "the last remedy, the final alternative," under the then "existing circumstances;" one of which circumstances was "the Congressional enactments then in operation," on account of which, Gov. Foote says those resolutions looked to secession.

The general, I properly might say, the universal, declaration of our party, was, that we would acquiesce in the decision of

the people of the State. We have done so; and if Gov. Foote cannot see the difference between this, and an acknowledgement that we are satisfied with the action of Congress; or between a failure to make such an acknowledgement, and an intention to counteract the execution of the laws, it is his misfortune, not our fault.

The Democratic Convention of January last was called in the usual way, and at the usual time—the glorious anniversary of the battle of New Orleans. The *Mississippian,* long recognized, and never better entitled than now, to be respected as the metropolitan organ of the Democratic party, kept for some time in its columns, an invitation to all democrats, without reference to recent divisions of the party in our State, to unite in this convention, which was to assemble for national objects. In conformity with both the letter and the spirit of the invitation, the convention excluded all new tests, asked for no acknowledgements, attempted to make no decisions, imposed no censure, offered no arguments, took no action upon any of those questions which had disturbed the unity and harmony of our party in Mississippi.

The resolutions of the Baltimore Convention of 1848, and the Kentucky and Virginia resolutions of 1798, were reaffirmed, and delegates were appointed to attend the National Democratic Convention, which is to assemble at Baltimore in June next.

Why then does he call this a secession Convention? His fears as to the consequences to himself, if harmony should be restored in the Democratic ranks, would naturally suggest the word spoils; and as language has a great command of him, he would therefore assert, though the Convention met as usual, that it assembled "to clutch the spoils of office." But why does he call it a convention of secessionists? Was it because of the character of the members? The fathers of the Democratic party were there; the old friends of Jackson; the men on whom the party has bestowed honor, and who have shed honor on the party, were there. The name which is descriptive of them a consistent Democrat must be willing to bear. This creed of secession, sometimes with him a virtue, sometimes a crime, he formerly asserted to have been held by Jefferson, and Barbour, and Jackson, referring to the proclamation of the last to sustain the assertion as to him. Just now it is with him a crime; and I do not doubt that many have heard him declare that Jefferson and Jackson were the mortal foes of the doctrine, and that he could get their certificates to prove it. As he has got the certificates of honorable gentlemen to prove that, at certain

times and places, he proclaimed his devotion to Democratic principles, and determination to support the nominees of the Baltimore Convention when the candidate of the Union organization, in which the measures called the compromise were held to be paramount to the principles of party; when he required the nomination of "a genuine compromise man" for the Presidency; and when his hope of success in the canvass in which he was engaged was dependent on the support of the whigs. If he can answer what he has said at one time or place, by proving that he has said the reverse at another, he is safe for the past, and has but little to dread for the future.

As the fugitive rogue cries "Stop thief!" to avert attention from himself, so does this man accuse others of offences of which he is most notoriously guilty; and most violently denounces the opinions of which he was once the most noisy advocate.

An habitual defamer, he complains that he is assailed in his absence; prominent among the first actors in the Southern movement, he now assigns the worst motives to those who engaged in it. Intriguing for place by a combination with the whigs, he yet vaunts his Democracy, and ascribes the effort which was made to re-unite the party on disputed principle, to a desire for the spoils of office.

A changeling in his history, a changeling by his nature, even now, whilst with one hand hopefully clinging to the "Union party" for the present reward, and reaching out with the other to fasten himself on the Democracy, for the favors their future power may bestow, he flippantly prates about "change both of name and principle," and exultingly refers to the defeat of the Democratic ticket at the last election! When a mixed ticket succeeded by a union with a portion of the Democratic with the mass of the whig party, and he was the beneficiary of the association (called the Union party) thus founded and maintained by disturbing the Democratic organization.

That he should avail himself of anything, rejoice at anything, that gave him station or emolument, was no more than I expected from him; for I have long held him to be as full of intrigue and selfishness as he is destitute of truth or principle. Yet, it might have been expected that shame, or if that, which oftentimes lingers in the breast from which virtue has departed, be lost also, then it might have been expected that an outward respect for public opinion would have prevented him, who in the last two years has so often proclaimed that old party distinctions were done away, from arraigning others for a change of name and principle. He, whose political name is—what is it?

"Union man," or Democrat? Or does that depend upon whether he is looking to this Legislature to elect him to the U. S. Senate; or has turned to contemplate the nominee of the Baltimore Convention?

Leaving others to answer these questions, I propose to examine the accusation against the party to which I have always belonged, and of which I have still the honor to be a recognized member. In what have we changed, either of principle or name? In the party convention of June last, we designated ourselves the "Democratic State Rights party." I have been at no time any other than a democrat and a State Rights man. The creed of democracy, from the days of the revered Jefferson and Jackson down to this, has contained as a leading article, the principle of State Rights. To designate the democracy as the Democratic State Rights party, was neither to indicate a change of principle, nor was it at all new in our political nomenclature, however significant it may have appeared at a time when the rapid growth of Federalism, and the consequent denial of State Rights, especially called for their assertion. Mr. Jefferson was the great expounder of State Rights, and has been called the Apostle of Democracy.

Forcibly has Gen. Jackson been recently defended against the charge of Federalism, by reference to the fact that he was denominated and known as a State Rights Democrat. This was when the term State Rights was intended by those who approvingly used it to include the idea of State Remedies, also.

Thus Mr. Livingston, who, in the great debate in the U. S. Senate of 1830, took the middle ground between nullification on the one hand and consolidation on the other, said "But if the power contended for on the one side be dangerous, the doctrine by which it is opposed on the other seems no less so. If this be strictly a popular government, as contended for by the Senator from Massachusetts, (Mr. Webster,) that is to say, a government formed by the people of the United States, considered in one mass, without any consideration of the relation in which they stand to each other as citizens of different States, then the following important consequences follow: not a denial of State Rights. * * * But sir, although his argument acknowledges the existence of our reserved rights, yet it took away the means of preserving them. This is the speech which was republished in the Washington Globe of Sept. 21, 1833, in aid of an exposition of the principles of President Jackson's proclamation of 1832.

Mr. Grundy of Tennessee, whose claim to the appellation of

democrat cannot, I suppose be denied, in the same debate, after having opposed the doctrine that a State Legislature could nullify and make void an act of Congress, and having referred to the manner in which the Constitution was adopted, said:

"Let the injured and oppressed State, then assume its highest political attitude—a convention in the State, for the purpose of deciding whether the great fundamental law, which unites and binds the States together, has been violated. * * * If the State possesses the power to act as I have shown, the necessary consequence is, that the act of Congress must cease to operate in the State; and Congress must acquiesce, by abandoning the power, or obtain an express grant from the great source from which all its powers are drawn. The General Government would have no right to use force. * * * What can be more rational? What more consistent with the spirit of our system, than where there is conflict between a sovereign State (a party to the compact) and the General Government, as to the powers which have been yielded to the latter, that it should be compelled to decide the question by an appeal to the source of all its powers? I do not hesitate to say that the power on the part of the States to compel such an appeal is indispensable to the existence of their sovereignty, and to the preservation of their reserved rights. * * * If three-fourths of the States shall not concur in admitting the contested power, or shall not pronounce that it already exists, Congress will be constrained to abandon the exercise of it, inasmuch as no new power can be granted without such concurrence. The decision of a less number ought not to be obligatory, when a State has solemnly pronounced that such a grant of authority was never made."

This doctrine, that the ultimate arbiter between the States and the Federal Government was a convention of the deputies of the people of the Union, Mr. Grundy claimed, as an "humble disciple of a school," to draw from Mr. Jefferson, who said: "It has been the peculiar wisdom and felicity of our constitution to have provided this peaceable appeal, when that of other nations is at once to force." But why multiply proof that the democratic is the State Rights party? He must be ignorant indeed of the political history of our country who has yet to learn that fact. Heirs of the principles of the old Republican party, we also inherited their hostility to an extension of federal power by construction. This is "State Rights." This, like an impassable wall, has kept our people divided into two political parties, from the foundation of the Government up to

the present hour; and this is now, as it has been, the vital principle of the democracy of the United States. It was then, no change of principle or of name, to designate the Democratic State Rights party.

On what, then, did Gov. Foote rely, when he said I assuredly was "nominated by the true Democracy of the State for the office of Governor;" but which he said he would "not stop here to show?" He acted with his usual cunning in this. Had he stopped there until he did show it, he never would have progressed farther. To say that I was nominated "only by a little squad of avowed secessionists," was to utter a falsehood great even for him. Here it is known that I was not nominated by a convention, or committee, but by Democrats and Democratic presses in every section of the State; and that the committee to fill vacancies in the Democratic ticket, announced to the public, that when they met they found that a nomination had been made, and that it only remained for them to ratify it. Of the impotent reflection which he casts upon those gentlemen, I will only say, I am sure there is not one of them who would not, and ought not, to feel himself humble by being placed in any moral sense on an equality with him. But if I was not the nominee of the "true Democracy," who was? Was he? And was it to be found in the convention which nominated him—a large majority of delegates to which were Whigs; one of whom a distinguished man in his party, wittily objected to taking the "foot of one party to make it the head of another?" Few, if any, among us can believe that that convention selected its candidate for Governor because of their "devotion to Democratic principles." Does any one doubt that it was done for the purpose of distracting and dividing the Democracy? The distinguished and honorable members of the Whig party who controlled that convention, I am sure will not claim to have represented the true Democracy of Mississippi; and when they revert to the history of that question by which the Democracy was divided and their victory achieved, I do not doubt they must blush to possess

"The spoil from such foul foray borne."

He brings forward extracts from Whig papers which never supported me to show my position in 1848, and quotes the Mississippian, for which I am no more responsible than for any other paper to which I give a general approval, and presents them as conclusive evidence, because he says he has never heard of my having contradicted the reports, as he terms the meagre

sketches of the Whig papers, nor of my having "denounced" an editorial paragraph which he says was contained in the Mississippian.

I will follow his example but half way, and present a few modern extracts from papers which have recently rendered him efficient support.

His especial organ "Flag of the Union," successor to the "Southron," the Whig paper from which he extracted a notice of my speech in Jackson, in 1848, said of the Baltimore Convention, in November last:

["It is not because the nominees of the Baltimore Convention will be Democrats, that we desire to see the Union party of the South represented in that Convention and pledged to their support, &c., &c."]

This corresponds very well with the idea of a "genuine compromise nominee."

The Vicksburg Whig, one of the firmest and ablest supporters of Governor Foote in the late canvass, thus withdraws from the Union organization, the *"true Democracy:"*

"True, our Democratic friends made us the magnanimous offer that we might join them in their Convention—provided we agreed to support the nominees of the Baltimore Democratic Convention—but as we did not see any propriety in about 6,000 or 7,000 Union Democrats dictating terms to about 25,000 Union Whigs, the proposition was respectfully declined; and as we furthermore believe the Whig party to be the Union party, and that there is a greater guarantee offered in the National Whig Convention to adopt the Compromise measures, and to nominate undoubted friends of those measures—we respectfully suggest to our Whig friends, that we look to our own Convention for men calculated to protect the interests of the South, and the perpetuity of the Union."

Gov. Foote finds the language applied something less than courtly, he considers it coarse. On the evening before his inauguration, he made a public speech in the Capitol of the State. The Natchez Courier, a Whig paper, which is equivalent to saying that it supported his election published an account of the speech, furnished by its correspondent. It will do for a specimen of the harmonizing, delicate language of Gov. Foote. In reference to what is termed "the leaders who had tried to put him down," the statement is:

"He noticed their incessant and continued attacks upon himself, and paid them off in their own coin. Little Johnny M'Rae, Colin S. Tarpley, Roger Barton, Governor Whitfield, Messrs. Stone, Singleton and others, were all displayed before the meeting, under the dissecting knife of this most skillful political surgeon. They had declared war upon him, and war, he said, it should be; war to the knife." * * * "He scorned alliance with them; he defied them; denounced them. They must die, he said; they may die willingly and with decency, or they may struggle on; *but die they must, and die they will!* Their putrid political carcasses should yet lie about the State in heaps, like piles of chickens in the streets that had died of the gaps!

"Senator Foote referred to the rumor that was spread about, that the Senate would refuse to go into an election for Senators. He did not believe it; he could not credit they would refuse to perform a duty enjoined by their official oaths, and so add the crime of moral perjury to that of factious and traitorous demagoguism. But if they did, he gave them full warning of what he should do. They had opposed to them, a man they at least could not browbeat or put down. He owed only allegiance to the Constitution and the sovereign people; and he would stand by the former, and appeal to the latter. It was a contest to which he defied them. If the Legislature failed to fill the two vacancies in the U. S. Senate, he gave fair notice that he should appoint two Union Senators to the vacant places, as he had the power to do; and if they failed to elect to the six-years term commencing March 4, 1853, he should call an extra session of the Legislature in February, 1853, for that especial purpose."

I fear the commander-in-chief is becoming warlike in his temper, notwithstanding his known distaste to "military leaders." He must intend something revolutionary, if not bloody, when he announces that he will fill by executive appointment vacancies which existed whilst the Legislature was in session. Would public or private considerations reconcile him to the expense of an extra session of the Legislature, which would form the objection to allowing the people to indicate through another election of members to the Legislature their choice as to the character of the representative they would have in the U. S. Senate for the many years between the present time and the expiration of the term which commences in 1853?

In a former article I noticed the announcements which were made during the last canvass, that Gov. Foote would resign the office of Senator before the election of November, and the subsequent announcement that he had resigned. He now says

he is inclined not a little to question this. Who beside himself had forgotten the announcement that his *commission* was to be placed at the disposal of the convention to be elected in September, which was followed by another that he would not resign immediately, because it would give Gov. Guion the power to appoint his successor, and that the Governor published a card to deprive him of that excuse? Then, that it was stated he would resign before the November election—and afterwards that he had resigned—that his *commission* had been placed in the hands of a gentleman of Warren county. I more than once stated in reply to inquiries, that he had no commission, and the statement could not rest upon better foundation than a letter of resignation; but I did not see then, nor do I now perceive why it should have been deposited with a private citizen. But he says he did resign before the November election. If a letter placed in the hands of a private individual be a resignation, then his assertion is true, and if that was resignation, why might he not have resigned by a letter put into his own pocket?

I stated the fact that his "resignation" did not interfere with the privileges or perquisites of the station, and that before his commission was annulled by his inauguration as governor, that he resumed his seat in the Senate, and there made statements in relation to myself, which he had never made when I was present, to answer him. He notices this point, but does not answer it; he does not show how his office was vacated, other than by his inauguration. He states a number of ways by which a Senator might vacate his office, among them, one which his case would hereby suggest, that is, by refusing longer to serve. If the presentation of his letter to one of the branches of the Legislature by which it was not received, did, in his opinion, vacate the office, then how does he assert that when I addressed the Convention of the 8th and 9th of January, he was entitled for a day or two longer to be considered an U. S. Senator? He attributes to me opinions which I did not express, labors points made by himself, and then says, he had been occupied in the "explosion" of "arrant trivialities." They were his own, and I will not gainsay his description of them, or deny that the occupation suited him quite well.

He presents as an amusing idea, the supposition that if he had not been inaugurated he would have been a Senator still. He makes the supposition—I'll follow it. If he had not been elected, and therefore could not have been inaugurated, I have very little doubt he would have been a Senator still. That was my opinion during the canvass, and his equivocation in the

article before me in relation to his obligation to resign, strongly confirms the belief.

He now presents a reason for not resigning different from that which drew forth Gov. Guion's card. The plea now is that he was anxious to prevent the State from being unrepresented in the U. S. Senate "at a period so critical" as the month of December last. What! was the Union in danger again?—Is his constant presence necessary to preserve it?—Is he the turtle on which the elephant stands, which supports this our world?

What created the crisis which happily for us, he was present to meet?

He says no one knows better than I do, that "he accomplished several important objects by going on to Washington last December." Then the others are lamentably ignorant. Why does he conceal his valuable services? He mentions, it is true, the passage through the Senate of a bill granting alternate sections of land to the Southern railway; but he did not think I would consider that an achievement which demanded his great "political sagacity." Because he knew that I had been pressing that measure since 1848, and had twice gotten it through the Senate. The only difficulty was in the House of Representatives, and there it principally arose from their rules of proceeding. I did not consider it the accomplishment of *an important object* when he introduced his resolution for the reception of Kossuth, which he afterwards withdrew. My pride as a Mississippian, was not gratified when I saw a Senator of the State had gone at the call of Mr. Webster to receive instructions as to the resolution he should introduce, and been sent to an office of the Senate to learn how to execute the purpose.

I did not consider it an important object to introduce a resolution reaffirming the laws of the land, but in no degree settling the doubts about their meaning. Thus to renew agitation as it seemed to me for no public good.

Had his resolution declared the construction which he is here understood to place upon those laws, its passage would have been an important object, but I fear that is one which he could not in a "full term" accomplish.

There is one "important object" which I have no doubt he did effect by his presence at the opening of the session. That is the receipt of his per diem and mileage—the latter always exceeded by about five hundred dollars, the sum which by computation of the post distances and legal rate of allowance, I could claim for myself. Whether this arose from my not hav-

ing a "renowned locality," or, because I had not particular clearness and accuracy "upon questions of juridicial interpretation," or for other reasons which I will not suggest—it is left for others to decide.

But he says he would have considered himself "most censurable indeed," if he had so acted as to leave the State unrepresentated in the United States Senate during the month of December.

The first weeks of a long session are the least important part of it, and if it would have been censurable for him to have left his seat vacant in December, what are we to think of the conduct which leaves it vacant now, as it has been since some time in December? If he had been really intent on securing a full representation for the State in the U. S. Senate, would he not have desired that Gov. Guion should have exercised the appointing power? and at a subsequent period, when the duties of chief executive of the State devolved upon Gov. Whitfield, would he not have resigned, so as to have enabled him to make an appointment? In the latter case, a small portion of the session of Congress would have been lost: but if it had been known that an exigency existed requiring attendance, full and immediate, the number of days lost would have been very few.

Finally: did he not know that by hanging on to his office until the Legislature met, his seat must be vacant for a longer period than he could occupy it? The time required for him to travel from Washington City to Mississippi, added to that the new member would require to travel to Washington; and also the time necessary for the organization of the Legislature and election of the new member could not fail to exceed the time which he could remain in the Senate, if he returnd to Jackson so as to be inaugurated at the usual date. Was his presence so much more valuable than that of another, as to justify the claim he sets up? or is he on such terms with the crisis-maker that he could limit the critical period to the day when he must leave Washington, so as to reach Jackson in due time for his inauguration? If he has also made an arrangement to prevent another critical period from occurring before his successor should arrive, his constituents, when they learn it, will have cause to thank him for that, among other important objects which were accomplished by him, and which they "will realize one of these days."

He habitually, and very improperly, calls me a leader of the party in which I have served, and according to his custom of attributing his own thoughts and acts to others, he says in his

last publication, that seemingly I have of late set myself up for a leader, and value myself "very highly as a party tactician." It is not so: I have neither lately nor formerly claimed to lead in a party too distinguished for intellect and attainment to follow any man. I have a contempt for the character of a party tactician; and have never been more disgusted with his vanity than when I read the declaration in his last article, presented as evidence of his intellectual acuteness, that he foresaw the "adjustment measures must in the end become extremely popular throughout the Republic; * * * that it was the policy of the Democratic party to rally to the support of the compromise; * * * that the Whigs of the South were generally ready to unite with them in support of it, &c. Those who have have been at a loss to comprehend how he passed from the position he occupied when Mr. Clay introduced his resolutions, to that on which he stood in the recent canvass, here have a key to unlock the secret. It is sickening to contemplate such self exposure. What can he mean by political principle? It need no longer excite surprise that he thought the "Democratic party" ought to have been "reorganized upon the platform of the compromise." Or that he should think the same of any other, which he may hereafter see will become extremely popular. This, I suppose is his idea of "profound statesmanship;" that he would define it to be the science of holding fast to one office until another is secured. And hitching like a burr to any part or combination which passed by him on the road to success.

He says that for "certain reasons" he was desirous "to avoid all further disputation with me." Had his conduct corresponded with such a desire, he would have had none. The estimation in which I held him has long inclined me to take no notice of him. I seldom have referred to him; never without reluctance, and always either as a duty to abate a public nuisance, or, as on this occasion, for self-defence. I have often been told that I treated him with a forbearance to which his conduct towards me did not entitle him; but never that I had been improperly severe.

Had he adhered to his practice of insinuation and secret traduction, I should have continued to act as I have heretofore done, with pity for his want of judgement and of character; with contempt for his falsehood and his malice. Averse to controversy, this is the first time I have ever been involved in one of this kind, and I submit to the candid public whether it has

been of my seeking. None can be more weary of the subject than I am, it has extended so far because of my purpose to make one exposition suffice.

Very truly, your friend,

JEFFERSON DAVIS.

W. H. C. Price and Wm. I. Gilmore to Jefferson Davis.

(From the Library of Congress. Manuscripts Division.)

Univ. of Ala. Feb. 20th. 1852.

Col. Jefferson Davis,

Dear Sir,

In behalf of the two Literary Societies of our Univ., we have the pleasure of announcing your election, as our next "anniversary Orator." The 15th. of July is the day, upon which, the oration is to be delivered.

If you can honor us, on that occasion, with an address, favor us with an answer soon; if not Let us know immediately, that we may obtain the services of some one else.

Come, if possible, for we are quite anxious to have you address us on that occasion.

Accept the Compliments of your

Very Ob't Serv'ts.

W. H. C. PRICE, } C.Ss.
WM. I. GILMORE, }

H. J. Harris[1] *to Jefferson Davis.*

(From the Library of Congress. Manuscripts Division.)

Vicksburg, March 3, 1852.

Dear Sir:

I send you Foote's last card. You can safely afford to let the controversy stand as it does.

I owe you an apology for the non-appearance of your 8th of January speech, in the Sentinel. When I returned home, I got engaged in Court, and the matter escaped me for some days; and when I handed the speech to McConnell, he thought the proper time for its publication had passed by. The fault is with me.

The current, just now, is running strongly for Douglas. In

[1] A prominent lawyer and politician of Vicksburg, Miss.

my view, he is the only man who can beat Cass in the Baltimore convention, and therefore I am for him. He does not stand right on the record, but what northern man does? As between him and Cass, (with Foote hanging on to the latter,) the democracy of Mississippi can be at no loss to choose. We must go for Douglas. Self-preservation requires it.

The family are well, and desire to be remembered to you.

Yours truly,

H. J. HARRIS.

[Addressed: Col. Jefferson Davis, Brierfield, Missi.;
Indorsed: H. J. Harris]

R. F. Stockton[1] *to John A. Whetstone and others.*

(From Southern Standard, Columbus, Miss., May 1, 1852.)

Washington City, March 11, 1852.

Gentlemen: I have received your friendly letter of the 21st of February, 1852, in which, after expressing your confidence in my principles, you say that a "ticket with the names of Stockton and Davis," "will not only be elected, but by such an overwhelming majority," &c., &c. You intimate that with my approbation, you design presenting my name to the people of the United States as a candidate for the Presidency.

You do me no more than justice in assuming that I am the devoted friend of the rights of the States. A citizen of one of the smallest States in the Union, I instinctively consider the reserved rights of the States to be the palladium of the liberties of the whole people—and that a rigid construction of the *Constitution* is the only guarantee for the perpetuity of the Union. While the reserved rights of the States and the Constitution are secured against infringement, the republic is safe, *but no longer.*

I entertain great respect for the character and public services of Col. Jefferson Davis, and would feel honored by being associated with him at any post to which the suffrages of the people might call us.

* * * * * * * * *

Permit me, before closing this letter, to say, that in my opinion, it rests with the South almost entirely to place this government by the ensuing election, in such hands as will protect the rights of the States, and avert the dangers which threaten the

[1] Robert Field Stockton, commodore in the U. S. navy; United States Senator from New Jersey (1795-1866).

Union and the Constitution. Should the South now, from personal or other considerations, omit to perform her duty, she may discover her mistake when it is too late.

The South demands that the Constitution shall be adhered to strictly in spirit and letter, and that the government should be brought back to the frugality and simplicity which distinguished the administrations of Washington and Jefferson. Should these principles be lost sight of, at this critical period, the government will continue in its present career of boundless expenditure and loose construction, until we find ourselves oppressed with a mountain of debt, and struggling vainly against the usurpation of a majority controlling a government in the exercise of unlimited powers.

I am, gentlemen, with sentiments of sincere regard, your obedient servant.

R. F. Stockton.

To Messrs. John A. Whetstone, Peyton C. Robinson, Even Presley, Cosomen Krout, Esqs.

Jefferson Davis to H. H. Chalmers[1] *et al.*

(From Confederate Museum.)

Oxford, Missi.
July 17th, 1852.

Gentlemen:

I have the pleasure to acknowledge your very kind and complimentary letter of this date asking for a copy of my address to your societies. As soon as circumstances will permit me to prepare one in a form suitable for the purpose indicated by you, it will be forwarded to you.

Very truly your friend, etc.

(This letter is not signed and appears
to be a rough draft of the one sent)
H. H. Chalmers[2]
I. G. Knox
Wm. A. Eakin
E. S. Walton
J. A. Sample
Geo. T. Staneback
Com. of Hermean and
Phi Sigma Socts.

[1] Afterwards a justice of the Supreme Court of Mississippi.
[2] Students of the University of Mississippi.

Speech of Jefferson Davis at Memphis, Tenn.

(From Yazoo Democrat, Aug. 4, 1852.)

But Scott's partizan friends had invited a review of his military conduct, by presenting his services as a soldier as his title to the Presidency. He would accept the invitation, not for the purpose of examining his fitness as a General, or of scrutinizing his military conduct; but for the more useful purpose of ascertaining what administrative capacity he had ever shown; what talent for the cares and offices of State, and for making and gathering around him the resources for efficient action, without which no man can be truly great and useful.

With this purpose alone would he essay any review of Gen. Scott's military conduct. In Gen. Jackson's great services as a soldier, it was not the mere victories whose glare had so dazzled his countrymen. In his Indian battles, but especially at the battle of New Orleans, he had exhibited administrative capacity of the highest order. He had moulded the means and gathered together the resources, and shown a command over the minds of men, which had enabled him to win one of the most splendid victories in the annals of our country. It was not the cotton bags alone, nor yet the valor of our brave volunteers which had protected that beautiful city from the rapine and violence of the mercenary legions that had gained the victories of Wellington. But it was the extraordinary sagacity, energy and determination of that iron hearted son of Tennessee which enabled him to keep at bay the British mercenaries, until the debarkation of the whole army had been accomplished, under the belief that Jackson had a large army concentrated in New Orleans, and facility with which he in a few days collected together the true and unerring riflemen of the West.

The duty even under this aspect was not an agreeable one, but it was a high public duty which he owed to his country, and he, (Col. D.) would not shrink from the examination of Gen. Scott's conduct with reference to that sort of capacity which would fit him for civil service in a crisis like this, though the ties between them were tenfold stronger than they were. A parallel had been attempted between Gen. Scott and Harrison and Taylor, but no parallel could be drawn which would not be unfavorable to the first, except as a mere soldier. Harrison and Taylor were both remarkable for their simplicity and modesty, their frank and unaffected bearing, and the perfect confidence and kindness with which they inspired all around them.

Harrison too had been tried in high civil employments, in Congress, as Governor of Ohio and was even transferred from honorable civil service to the Presidency. Taylor exhibited eminent administrative talent in his conduct of the war on the Rio Grande, when, stript of his command, he was left to overcome the largest and best disciplined army that Mexico ever brought into the field under Gen. Santa Anna.

Scott, on the contrary, remained at home at his ease, peevishly complaining of and dreading a fire from home in his rear, and permitting Gen. Taylor to conduct the campaign on the Rio Grande until he was satisfied that there was something more to be done than the troublesome business of driving back from the frontier the soldiers that there held the military posts, and that laurels were to be won which he would be willing to wear. He then advanced upon Vera Cruz after concentrating the flower of the army, and picking and culling the best officers and corps of Taylor's command.

In all those qualities which command the affection and confidence of those around him, he was singularly wanting, being proud, petulant, vain and presumptuous. His whole history abounded in quarrels with his brother officers. No sooner had he landed on the Rio Grande, preparatory to his descent upon Vera Cruz, than he quarrelled with a gallant Tennesseean—the brave Col. Harney, first depriving him of his command, and giving it to a subordinate officer; and then, when Harney indignantly protested against such injustice, and told him he was willing to be arrested and tried, but would never consent to surrender his command and his prospect of seeing active service, he excused himself to Mr. Marcy, then Secretary of War, on the plea that when he was on the Canada frontier, in 1812, he was permitted to deprive of their command officers who proved themselves incompetent or inefficient. Was Harney incompetent or inefficient? Let the rocky heights or Cerro Gordo answer. Let the battles of the valley of Mexico tell.

And again when Trist was sent out by President Polk as a negociator for peace, to accompany the army, he quarreled with him on the most petty pretexts, refused to recognize him in his official capacity and declined all intercourse. Afterwards he conceived for him the utmost intimacy, set the highest estimate upon his services and worth, and when the government, wearied with the puerile conduct of Trist, threatened to recall him, he espoused his cause & quarrelled with the government for removing out of his camp the very man whose person and mission he had so lately and so deeply despised. These incidents

occurred before his brilliant victories in the valley of Mexico; after they had been achieved, and the army came to repose on its victories, he again, restless, petulant and peevish, quarrelled with his subordinates about the divisions of the honors, the distribution of trophies, about letters written from the camp, and about publications in the camp, thus showing a disposition to appropriate to himself the lion's share of the splendid laurels which the army had earned, and which all were willing to accord.

How unlike that brave, generous and able soldier, Gen. Taylor, who cast down at the feet of his subordinates the honor of his brilliant victories, freely and fully according to them their just meed of praise, and modestly accepting those undivided tributes which he always won, and all were willing to bestow. When was the gallant Taylor ever known to complain of letters written from the camp, of publications, or of "a pruriency of fame not won" by any of his officers?

Payne and Harrison[1] *to Jefferson Davis.*

(From the Library of Congress. Manuscripts Division.)

"Princess no 3"

New Orleans Augt 9 1852

Colo Jefferson Davis

Dear Sir

Your favour of 3rd and 6th are at hand this morning by the Boat—

We will send by her all the articles ordered for yourself & overseer, for the latter we send a half barrel Molasses instead of ¼ barrel there being no original packages less than half barrels & to buy a keg to put it in would nearly be equal to the difference in quantity when the additional price would be added for drawing off.

We have met with a trader who has a negro woman he purchased lately of a citizen of Algiers, who has so much confidence in her capabilities & capacity to please you that he agrees to send her up to you for trial to be retained or returned according to your pleasure—say two weeks trial—but if you do not like her try to get her off by the second or next trip of the Boat. The expenses of going up & coming back to be paid by us—& if lost by any accident of the boat, or drow[n]ing the loss to

[1] Cotton commission merchants of New Orleans, and financial agents of Mr. Davis.

be yours—but not accountable for running away or sickness or detention from such cause—price $850—fully guaranteed.

The reason he assigns for her master's selling such *an invaluable servant* is that her husband or the man she claimed as such was a great rascal & stole from him to such an extent that he was induced to part with the woman, of which you can judge better after trial—he calls her 24 years old & if she is not above 35 & proves a good cook & healthy with the other qualities he claims for her the price is low—(negroes are now very high—& next winter would probably sell for 1000$ or more—With the wish she may please you or be returned soon we are very Truly yr friends Payne & Harrison

She is also called an excellent Washer & Ironer as well as first rate cook.

Jefferson Davis to Gen. Robert Stanton.

(From Mississippi Free Trader, Aug. 25, 1852.)

Saturday Morning, August 21st, 1852.

Gen. Stanton:

My Dear Sir:—The packet has arrived too late, I have only time to say, that I would otherwise have answered your wish and been present with you, to greet once more the democracy of your gallant county.

Your friend, &c.,
JEFFERSON DAVIS.

Franklin Pierce to Jefferson Davis.

(From the Library of Congress. Manuscripts Division.)

Concord N. H.
Dec. 7, 1852.

My dear General,

As the news of your illness filled with anxiety your friends in this northern region, so the intelligence of your convalescence has brought relief and joy. We earnestly hope that before now you have regained your elasticity and vigor. You will not be surprised, that, under all the circumstances of our early acquaintance and present positions respectively, I much desire to see you, and to avail myself in connection with the duties and responsibilities before me of your advice. Can you gratify such desire without too great inconvenience. I wish to converse with you of the South and particularly of the formation of my Cabinet. I am not permitted to know, that you would

accept a place in it if desired and I do not ask an interview on the ground, that I have arrived at any fixed conclusion upon the subject, but, because I wish to talk with you, as a friend, in relation to matters of high concernment not only to myself, but to you and every man, who has at heart the best interest of our party and the country, and because I feel an assurance, that whether our views coincide or not, from you I shall receive a friends free and useful suggestions. Do you propose to visit Washington soon? Can you come as far North as Boston? It is my intention not to leave New England till late in February and as to most subjects which will require prompt action after the inauguration I shall probably not leave without purposes definitely formed and not likely to be changed. Can you send by telegraph a dispatch something like the following.—

"Col C. G. Greene
Boston
Shall be in Washington on or about —— day of ————" or "Cannot go North."

Col: Greene is a confidential friend and I suggest him as a medium of communication to avoid idle speculations and surmises—In the mean time I beg you to write me by mail and direct your outside envelope to Col Greene. You will of course regard as I shall all that may pass between us as confidential in the strictest sense.

Your friend,
FRANK: PIERCE.

Genl: Jefferson Davis.

(endorsed on Sheet No. 1)
Jeffer: Davis

To the President
Executive Mansion
Copies to be examined immediately after I get home
Dec 7 52 Jan 12 53

Franklin Pierce to Jefferson Davis.

(From the Library of Congress. Manuscripts Division.)

Andover. Mass.
Jany. 12. 1853

My dear General.

I presume you may already have heard of the terrible catastrophe upon the rail road, which took from us our only child,

a fine boy 11 years old. I am recovering rapidly from my bodily injuries, and Mrs. Pierce is more composed to day, tho' very feeble and crushed to the earth by the fearful bereavement. Your letter of the 27' ulto: came last night, and the ever present consciousness of my own desolate condition made me tremble for you, my friend, when I read what you say of the health of your family. You say nothing of your own health, but I infer that it is fully restored and thank God for it. I have no right to put you to trouble and could not think of asking you to leave your home unless you can do so without anxiety. I may go to Washington by the middle of Feby: but my movements are involved in uncertainty. How I shall be able to summon my manhood and gather up my energies for the duties before me it is hard for me to see. Politicians seem to have troubled themselves very much on account of the friendly relations supposed to exist between us. It is pleasant to believe that they are unselfish and uncalculating relations not likely to be disturbed. I have no heart to write now, and intend to do no more than to acknowledge with thanks your noble spirited letter, and to assure you how truly

I am yr friend
FRANK: PIERCE.

Genl: Jeff Davis
Brierfield
M[i]

P. S. Should you be prevented from taking the journey write me & send thro' the same channel.

M. W. Philips[1] *to Jefferson Davis.*

(From the Library of Congress. Manuscripts Division.)

Log Hull, Jan[y] 12. 1853.

Honl. Jefferson Davis,
Brierfield, Warren C[o]—Miss.
My D[r] Friend,

The conversation indulged in by our Friend Col. A. C. D. & yourself, to which I was admitted an occasional blunt retort, or perhaps comment, when on our return last June from Oxford, by way of the City of Memphis, has occupied much of my thought, & though in my last I referred to it at some length, yet having no fear of tiring you, I will now devote my sole attention. Remember I jocosely referred to "parlor planters,"

[1] A scientific planter of Hinds County, Mississippi.

those who could afford to sit at their fire side, or at ease in their verandah, enjoying "otium cum dignitate," who employed an overseer, & could descant most eloquently on what they dreamed of in their philosophy. Of course you two gentlemen knew my way, & though I had the vanity to think I knew more of the practical detail of a plantation, such as laying a fence worm, or rolling logs, yet that your minds having been less annoyed by the practical matters of fact, such as feeding & clothing the young uns, you had coped with the philosophy of planting & could talk if not faster, yet more argumentative than your less honored friend. And "by the way," I believe it would take all three of us, to start four that were our "young uns."—so neither of us have had much bread to make for them.

But to the thing. I hold that the cotton plant should grow on a well defined ridge, especially on rich land, whether ever subject to overflow or not, but absolutely necessary for that land to produce a good crop. I do not think I can be in error. The crop of 1830 & all subsequent full crops have been made in what we term dry years, or with at the least, long "dry spells." This is some proof that cotton cannot be injured in a seasonable year by being planted on a good ridge. Just here, allow me to say, & which has not been promulged by any writer on cotton culture, but myself, & at no time as fully as I now do, I do not think the dry seasons, or the good culture, as it bears on the plant, nor the size of the stalk, as the reason why our crops are always best of a dry year. Repeated showers even, not enough to give growth are more disadvantageous, than full seasons at long intervals which give a constant growth to the plant—nor is it only attributable to a change in the growth or checking of sap,—but to the fact, water falling into the bloom the 1st or 2nd day after it has opened. The young form is destroyed by the water in the bloom, & thus causes what we term, shedding.

That forms do shed from excess of moisture, from bad management, or from any sudden change, I say not. But if there be no showers when cotton is blooming most rapidly, I believe more forms are set, & as the young bolls advance the sap is drawn from producing wood, to the maturing of fruit & thus we generally see ordinary sized cotton to have the greatest number of bolls.

By ridging up for cotton, rows either straight or a regular curve when your field is circled, you will be able, to side your cotton with a scraper, & your hoe hands can do more & better scraping. Very many planters even in our own State cannot

credit how it is possible for 20 hoe hands & 10 plow hands to scrape well 40 to 50 acres per day—and I might claim for good hoe hands 3 acres each,—but not when cotton is planted level, or even nearly so. My plan has been for years, to open out a very narrow drill for seed about ½ inch deep, then sow seed as regular as possible, not over one bushel per acre, & cover by pressure, I use a block of wood,—a roller would be best. I begin to scrape, so soon as I see a stand of cotton, I do not even wait for all seed to vegetate,—the object is to scrape before grass vegetates, or has made root. The same day if the earth is dry enough, I mould my cotton, with a bull tongue plow. I make it a point to preserve my ridge all year, & never fill up water furrow, at least, until June or July, which is soon opened out again.

I have thus written, without premeditation, with the hope that I may induce you to try 10 to 20 or 50 rows through some field where you can see the difference. I am urgent, that no one change any policy they have, for one I hold up, unless they proved it right, which when found to be, they would certainly pursue. I add an analysis of my own crop for 52.

			an average of
25 acres planted to "Jethro" seed, in S. Field, yielded half quite thin land.....	26784	lbs	1071 lbs
20 acres planted to "Banana" seed mid. of W. Field yielded	40991	"	2049
30 acres planted to "Sugar loaf" seed N. end of N. Field, cleared & planted in 52, shaded	32775	"	1058
17 acres planted to "Silk" S. end of N. field	28365	"	1666
25 acres planted to "Brown" W. side of W. F. Best land, but very *carelessly* cultivated	31242	"	1249
40 acres planted to "Bana" E. Field, old land, thin originally	50223	"	1255
7 acres planted to "100" seed Pear orchard	11242	"	1340
164 acres Home crop, average 1412 total lbs	231602	..	
53 acres rented land, & *poor enough* at that	45561		

217 acres Entire crop, with 22 effective hands, gathered before Christmas 207163 lbs of seed cotton, averaging 1366 lbs to a 400 lb bale.

You will please observe, No 3 as in Sugar loaf, it was badly cleared, too much green timber left, & rows in many places too wide, & even more culpable, I can show rows & rows, with stalks not over 1 foot a part, (full 10 to 12 feet high). I say culpable, & repeat, for this reason, my overseer was opposed to planting such fresh—"green land," in cotton & unquestionably having a stand *at least* double what it ought to be, showed want of attention. The 5th lot, though on my best land, same as 2nd, but 2 or 3 yrs fresher, was culpably neglected by being left, or thick. I designedly run off my rows closer than most persons, as I can by having a wider distance between stalks remedy closeness of rows, but if I have a thin stand & rows full width I loose. In this lot very much of the field will not average 1 foot apart, whilst 30 inches would have been not too wide.

I was more particular than usual this year, in repeatedly ordering to keep up the ridges, but was away so much running about on every body's business, that all my orders were not obeyed.

I tried another matter again this year, which I had tried before—picking cotton clean & picking rough & tumble.—I am certain clean cotton does not always sell for more than that which is somewhat leafy. I was anxious to test this, & also to notice how the different pickings would yield in lint—because making such pickings as I did, my neighbors would say I was doing a losing business, or that my negroes stole cotton. I had Eleven hands to pick 5275 lbs in one day, being an average of 479 lbs, the leader getting 609 lbs, & averaging every day he picked all day until frost 300 lbs.—And bear in mind 1366 lbs *field weight* made a bale of 400 lbs, throughout crop—showing of these big pickings not much could have been reweighed. Now mine friend, I have given you labour enough to decipher this—hierogliphick, & will close by hoping for you & yours all the happiness that purity of motive & honesty of purpose ever merits.

I am Dr Sir, your friend,
M. W. Philips.

If after reading this you deem it worthy others seeing—send it to Dr Danl. Lee—Washington City.

Thomas I. Durant[1] *to Jefferson Davis.*

(From the Library of Congress. Manuscripts Division.)

New-orleans, 22. January. 1853.

Hon. Jefferson Davis.
Brierfield, Palmyra, Miss.

My Dear Sir,

Your esteemed favor of 14th reached me on the 17th, and I give it the earliest possible reply. Not having been furnished with the dates it took me some little time to find the mortgage referred to in your letter given by W. Laughlin; but it appears that by an act passed before Edward Barnett, a Notary Public of this city dated 17 November 1848 William Laughlin mortgaged to you, represented by Charles Edward Laughlin, twenty Eight Slaves young and old attached to a plantation belonging to W. Laughlin Situated in the Parish of Carroll in this state and known by the name of Crow's roost; the mortgage is given to secure the payment of a promissory note for the sum of $8064.60 drawn by William Laughlin to your order dated 30th October 1848 and payable one day after date with eight per cent. per annum interest. This mortgage is found recorded in the proper office in this city in Book 54 at page 224, and appears to have been cancelled on the 9th March 1850, by a certificate of the same Notary given in pursuance of article 3346 of the La. Code; that is William Laughlin must have gone before the Notary with the note and making the declaration that it was paid or satisfied received the certificate for cancellation on which the Recorder of Mortgages acted. This cancelling as you say in your letter of the 14th was done without your knowledge or Consent, but as you put it in the power of Laughlin to do it by leaving the note in his hands your rights, as far as they conflict with those of third persons, are lost, and your sole recourse is now against the surveying members of the firm of William Laughlin & Co. and E. C. Laughlin.

W. L. sued his Creditors in the Fourth District Court of Neworleans—No. 4251—on the 12th Feby 1851. I have examined the proceedings in this case and find that an order of Court has lately been procured on the petition of the Syndic directing a sale at public Auction on Monday the 24th of this month of all the accounts surrendered by W. L. & Co to their Creditors, among these I find your name as a debtor to the extent of $22,873.69: This claim is I presume utterly unten-

[1] A prominent lawyer of New Orleans.

able, and I hope to induce the Syndic not to sell it, should he however insist on doing so, the purchaser will acquire no rights against you other than those of the firm of W. L. & Co. This is all the information now at my command; I shall at all times be happy to take any trouble for you in the matter I can.

For your kind expressions with regard to my friend Miles Taylor, Esp, please accept my best thanks. The news lately received from Washington excites the liveliest apprehension in my mind that the nomination of Mr Badger of North Carolina to the vacancy on the Supreme Bench for this Circuit will be confirmed by the Senate. I can only look upon such an event as a sort of political calamity. When I was District Attorney Judge McKinley told me from the Bench that he did not know Louisiana law and did not want to know it, yet this was the law it was his official duty to administer: the uncourteous expression showed the condition of his mind, it was filled with contempt for our local system. I fear that Mr. Badger would bear the same will, though no doubt he would never be so uncivil as to Communicate it in the same way. I heard Mr. Badgers views of our system of government expressed at the session of 1849-50 and they were of the extreme consolidation school; such views are eminently dangerous on the supreme Bench.

Again thanking you for your promised effort, when occasion should offer, on behalf of one whom I am happy to call a friend

I remain, with great respect,
Your most Obnt Servt.
THOMAS I. DURANT.

W. B. Howell[1] *to Jefferson Davis.*

(From New York Historical Society Collections.)

New Orleans, 31st Jany/53

Dear Jefferson,

Varina's letter gave us the assurance of your general good health with that of the family at large—Since the return of the Gardiner Mission, Joseph who was left in Mexico, has also reached home, appears in good health, but not altogether pleased with the circumstances attending his discharge. After reaching the City of Mexico on the return of the party, it seems Mr H.

[1] The father-in-law of Jefferson Davis, an influential citizen of Natchez, Adams County.

May received instructions from Washington to confine himself to the number of Employees made at that place, and upon referring the matter to Joseph he promptly admitted the propriety of his discharge from service, & accompanied the Mission as far as Vera Cruse on his homeward rout, calculating of course, as was stipulated in the contract that his expenses should be paid to New Orleans—When he arrived at that place upon settlement with Mr May, all expense was deducted in his acct. from the City and some time while in it & no allowance for his homeward passage, which compelled him to dispose of his arms and make his way as best he could—The party however had no success in their search though they had ridden some 2000 miles,—I had hoped Messrs. Payne & Harrison would have needed his services on his return, but the Cotton season being nearly past, he will loose the opportunity—William is growing daily in favour with all the concern & I think may safely calculate upon a permanent situation—I was yesterday *favoured* with a letter from the Pension Office, in reply to the one I wrote when you were down—dated 12th Ulto. & mailed 21st enclosing me a printed copy of the Law, in the event of loss of a Warrant, it is a tedious and expensive affair to manage but I am left no remidy but *to obey.* I shall require your affidavit that you never received the Warrn^{t}, addressed to you, and publish the loss 6 successive weeks in the newspaper nearest your Office—with other ramifications two tedious to repeat. Please forward me, when you can, the necessary evidence—Mr Souter though he did not acknowledge the receipt of my letter enclosing the papers, has probably spoken of the matter, & thereby hastened their last communication— to say the least of the Affair I can but denounce them as very uncourteous—culpably so—Our Rail Road is progressing as fast as their means will permit, and is every day at home & abroad growing into favour—Their last Report is said to be an able one, which when printed I will forward to you a copy of—their operations however have not reached the point which requires new appointments, and I am consequently yet without employment. In the mean time Mr Meritt is urging the propriety of our forming a copartnership in commission business and preparing for the next season—Had I confidence in controlling a moderate share of the cotton business from Missi, and a small advance of Cash, I would close with him, believing we could do a safe and moderately profittable business—Fulton is evidently becoming

uneasy about his eventual liability to me for the entire amount of the Trust Deed executed to him—I received yesterday notice from J. W. Arthur & Co. that he had forwarded to them, two notes, for 950$ of which they are instructed to hand me—these notes he refused to deliver me some years past—are now out of date & worthless—I have turned the matter over to my Atty & refuse any compromise other than the payment of all—Since I wrote you last Angus McNeill instructed a Gentleman from Texas to assure me, he would forward to me authority if I would accept it, to collect for him in real estate which he contends needs only to search the Records of, belonging to him, and properly apply for, to recover, to a very large amount, out of which he authorizes me as his full agent to sell, receive the proceeds and pay myself the full amount of 35,000$ after which to remit to him the ballance, I do not doubt his ownership, but to establish it may give much litigated trouble and require time—the debt is however lost as it stands and with the hope of securing some thing, I will accept the Agency—"better luck next time"—Enclosed I send the account with interest of the coupon due 1st June last making the balance of the instalment on the Turnsburgh Property handed me last week—I am instructed to say a Draft at 60 or 90 days will be satisfactory—Property is rising in value, and I live in hopes yet to be satisfied with the purchase and to make all right with you—Two squares front in Algiers favourably located, I am creditably informed sold some 10 days past for 50,000$ & almost down to my front, the shipping are crowding the River Margin—

I was hailed on Saturday by General Henderson, direct from Washington—he after warm enquiries as to your health, desired me to present his respects &c—spoke of his belief you would be offered a Cabinet position—thought it would be "War Department, but remarked that no reliance upon Report could be placed, & that they were vacillating daily That he presumed you had been corresponded with, and was fully advised from Washington. It was his impression the Cabinet to be successful, would necessarily be an amalgamited one, which would secure a favourable opening to the Administration. That Mr Hunter had been offered a position in the Cabinet by Genl Pierce, but that he had declined acceptance—I made no remark & parted—these matters I am ignorant of however & am only troubling you with the perusal of a long & dull letter—

Give my best love to V—and tell her I sent down her letter

in time for her Mother to write by the Princess—Kiss our little Sam and my love to Becket charging him to study hard & make a man of himself while the opportunity offers—

Joseph & William will probably both write to their sister—We are all well and desire our sincere regards &c to you—as ever your friend &c—

W. B. Howell

Hon. Jefferson Davis
Brierfield, Miss.

P. S. Since closing this, Mr Payne informs me you have instructed him to take up the coupon alluded to above—

W. B. H.

Amos B. Corwine[1] *to Jefferson Davis.*

(From Letter Books Secretary of War Old Records Division, War Department.)

(From the Library of Congress. Manuscripts Division.)

Panama, March 10th, 1853

Col. Jeff. Davis,
My Dear Col.:

The last news from the United States indicated that you would probably go into President Pierce's Cabinet. I sincerely trust that the next mail from the Atlantic coast will confirm the news; and in anticipation of the fact, allow me to offer you my hearty congratulations. I, in common wth your numerous friends, have long wished to see you at the head of the War Department. During my late visit to the United States, I had the pleasure of meeting quite a large number of officers of the Army, and every one of them with whom I conversed on the subject, without a solitary exception, were warm in their advocacy of your claims—over all others—for that post. And it gratified me not a little, I do assure you, to hear them say that there would not be a solitary dissenting voice in the whole Army, but a hearty, unanimous approval of the appointment. Our mutual friend, Col. Joseph P. Taylor, with whom I had some correspondence on the subject, was apprehensive that on account of your then delicate state of health, you would be forced to decline the appointment. But as your health has since been restored—a fact which I rejoice to hear—I hope no other

[1] United States Consul at Panama. Mississippi soldier, War with Mexico.

obsticle exists, but that you are now snugly ensconced in office at the head of the Department for which you are so peculiarly and preeminently fitted.

What is to be the policy of the new Administration with regard to removal and appointment of our Government Agent abroad, I am, of course entirely ignorant. But if there is not to be an indiscriminate dismissal, I would be glad to have your friendly interposition in my behalf, to the end that I may be retained in office a year or 18 months longer, provided you think me worthy of the post. For the manner in which I have discharged the duties of the office—which you were mainly instrumental in procuring for me, and for which I shall ever hold you in grateful remembrance—I refer to Mr. Chew, Chief Clerk of the Consular Bureau in the Department of State.

I think it will be seen that I stand well at the Department, and as to the estimation in which I am held by the business men and other prominent citizens of Panama, I refer you to a petition, signed by all the principal merchants, includng Americans, English, French and natives of the country, recommending my retention in office. This petition was gotten up without my knowledge. After all the signatures had been obtained to it, it was handed to me, and I transmitted it to my oldest brother at Cincinnati, who will attend to its presentation at Washingon at the proper time. A petition in my favor has also been gotten up in Cincinnati, as I am advised, signed by the leading Democrats of that city and county, who are all my warm, personal friends. They assume in the petition a fact of which you are advised, that the appointment was not conferred upon me by our lamented General as a reward for partizan services, but from considerations of friendship.

This petition, as I am further informed, will probably be presented to the President by Hon. P. D. Disney, Democratic member of Congress from the Cincinnati District. If you feel disposed to act in my behalf, and can consistently do so without violating any obligation to your party, you can freely confer with Mr. Disney, as he is my friend, and also with Col. A. G. Hoo. If not taking your time too much, I would be glad to hear from you, by dear Col. as soon after the receipt of this letter as practicable; and if Mrs. Davis is in Washington, I beg to be kindly remembered to her—also to Col. Joseph Taylor.

I am, very truly
Your friend and ob't. servant,
AMOS B. CORWINE.

P. S. A friend writes me that President Pierce has already been approached relative to having me retained here, by Mr. Hawthorn, his biographer.

[Endorsed: Panama
Amos B. Corwine
Wishes to remain as
Consul at Panama
some time longer
and asks influence
of Sec. of War]

Jefferson Davis to Asbury Dickins.[1]

War Department.
Washington March 10, 1853

Asbury Dickins Esqr
Secretary of the Senate
Sir,

With the President's message of the 21 ultimo, transmitting to the Senate plans, surveys, and estimates for supplying the cities of Washington and Georgetown with water, there were sent certain maps indicating the course of the proposed aqueduct. It is deemed important to the public interest that these maps should not be made public until the Government shall have secured the lands required, lest they become an object of speculation.

Very respectfully, Your Obt Servt
JEFFERSON DAVIS
Secretary of War.

Robert Mills to Jefferson Davis

(From the Library of Congress. Manuscripts Division.)

1853

Dear Sir,

Permit me to point out to you some of the *advantages* of the Plan, I have Submitted, for the extension of the Capitol *East.* 1st. The erection of the Eastern wing building will be at Such a distance from the present building that no inconvenience would arise to Congress during its sittings, while the work of construction was going on: you are aware, that, in the case of the North & South extension, from its *proximity* to the present

[1] Secretary of the United States Senate.

building, great inconvenience to both Houses of Congress would necessarily result from the *necessity* of occupying the ground around the building with *materials,* blocking up the carriage & footways now and disturbing the deliberations of Congress during its sittings, by the noise of the operations on the work, and in addition to this, closing up (comparatively) the opening on the North & South end of building, reducing both light and ventilation to the Halls of Congress during the erection of the wings—

These and other inconveniences & Evils would be all avoided by the erection of the building *East,* according to Plan N° 1—

2d The nature of the *ground* on the East side of the present building is more favorable for building on than North & South, for the ground here is made up by the filling of earth, and consequently very heavy excavations would be required to secure good foundations—

3d When the site of the Capitol was under consideration with *General Washington* he had selected (I have understood) the Same, or near the Same, Spot proposed in the plan submitted for the building,—but owing to the great expense of *grading* down the hill, some 12 or 15 feet, which then existed, and the difficulty of access, the present Site was fixed on.—Since then the hill has been graded down, and the Mass of Earth here, used to fill up the West front & form its terrace.—If you have noticed the appearance of the Capitol coming in from the *East* (the Baltimore road) you will remember its *awkwardness,*— Nothing at first seen but the *dome;* the hill (at the lower side of which the building stands) cutting off the main body of the Structure;—Now the extension of the building *east,* would remedy this, as it would Stand nearer the brow of the hill.—

4th By the extension of the Eastern building Congress Can be *earlier* accommodated in their New Halls, as the portions of the building where these are located could be first erected.—

5th The *relative possition* of the two Houses of Congress in this East building would be the *Same* as at present, and the objection to the Wing plan Submitted, which places the Halls so distant from Each other, being double to what they now are.—

6th the *cost* of Erecting this East building will be no more than the two wing buildings, and the material proposed for facing the walls being different from the present, the contrast will not be so striking on the East building as it would be in the wings.—

The *area* of both Wings would be very little more than the

area of the East building the former covering 67,000 Square feet, the latter 56,000 feet.—

7th When the Capitol Shall require *further extension* than at present contemplated, the two buildings can be connected together and form one grand and *perfect Design,* (an idea of which Design N° 1 exhibits, even without the Central *dome.*)

The extent of building upon this Plan would be, when *Completed* the Same with the present building with Wings,—about 700 feet—The architectural effect of this arrangement of facade would be very Striking, and having a Spacious extent of plane North & South to view it from it would be seen to the best advantage,—and Should the Capitol grounds be extended North and South it will be seen on every side equally well. The principal entrances from the North and South would then lead to something more than a *blank court,* as now, the drive would be up to a magnificent Marble Portico, surmounted by a lofty dome,—Here might be placed the *Congressional Library,* which will eventually require the whole area, 300 feet by 100 feet.—Until this Central building is erected, the Library can be accommodated in the present building, and when the Hall of Representatives is vacated, may occupy it for this purpose,—

Speaking on the Library, I would here further remark, that on the question to what use the present building would be applied, in the event of erecting another like it,'' the answer may be given, that the greater part of it would be required for the accommodations of the Library & the residue, on the same floor, for the *Supreme Court*—The rooms below would all be wanted for Document, Committee rooms, &c &c.

Honorable
Jefferson Davis
Com. Pub Buildings Senate

Respectfully Submitted
Robt. Mills
Archt

Thomas H. Benton and Edward F. Beale to Jefferson Davis.

(From ''Port Gibson Reveille,'' May 3, 1853.)

Washington City March 16, 1853.

To the Hon. Mr. Davis, Secretary of War:

Sir:—Immediately upon the passage of the appropriation for reconnoissances of routes for a good road to the Pacific ocean, I wrote to Mr. Fremont, suggesting to him to return, and ask to be employed in finishing up the survey of his preferred route by the head of the Del Norte; and that Superintendent Beale,

so long associated with him in California and the far west, would wish also to be associated with this work. In consequence, Mr. Beale for himself, and I on the part of Mr. Fremont, propose as follows:

1. Mr. Beale to be permitted to enter upon the duty immediately, to be overtaken by Mr. Fremont, if he returns for the purpose. Mr. Beale choosing to return to California overland, and to execute at the same time a part of his duties, if approved by the President, in selecting Indian reservations in New Mexico and Utah. The route, or rather section of the route, they propose to examine, is from the mouth of the Huerfano river, on the Upper Arkansas, to Las Vegas de Santa Clara, about twelve degrees of longitude (803½ to 115¼)—both ends of that route having been explored by Fremont, and most of it traveled over by Mr. Beale, and reported by Mr. Fremont to be not only practicable but easy, and presenting singular facilities for making and preserving the road.

2. That, as the Government wishes to send troops to California, a detachment of them, say thirty men with a sergeant and a corporal, be placed under his command, thus saving the expense of hiring men, and conducting the detachment to its destination.

3. If not deemed advisable to give this detachment, then Mr. Beale would ask for a military escort to attend him on the same line in examining for reservation in New Mexico and Utah for the Indians.

4. If neither of these are deemed advisable, then they ask for a fraction of the appropriation, say the one-tenth part, to defray the expense of the proposed exploration by them.

Mr. Beale being in the service of the United States as Superintendent of the Indian Affairs in California, will receive no compensation for his personal services.

Very respectfully,

(Signed) THOMAS H. BENTON,
EDWARD F. BEALE.

P. S. I add in my own name, in relation to Mr. Beale, that seven years' acquaintance with California and the West—three overland journeys from Missouri to California, one of them in the dead of winter, and the winter that Fremont was stopped, and whom Beale pursued to the Pueblos, on the Upper Arkansas—besides ten trips through Mexico and Panama—his acquaintance with mountain men, Indians and wilderness travel—his experience and resources in every variety of hardship and danger—the energy and perseverance of his character—and his

eighteen years training in the use of the compass and astronomical instruments at sea—render him, in my opinion, eminently fit and proper to be employed in this exploration.

I enclose a copy of my late printed letter on this subject.

T. H. B.

Jefferson Davis to Thomas H. Benton.[1]

(From Letter Books Secretary of War Old Records Division, War Department.)

War Department
Washington, March 19—1853

Hon. Thomas H. Benton,
Washington, D. C.
Sir,

I have received your letter of the 16' instant, containing suggestions in relation to the survey of the route for the Pacific Rail Road and enclosing your printed letter to the people of Missouri on that subject,

In reply thereto, I have the honor to inform you that in consequence of the great pressure upon my time since I have been in charge of the Department, I have not fully taken up the subject, nor, indeed, has it yet been decided whether the appropriation for the survey is available previous to the commencement of the next fiscal year. It is however engaging my attention and will soon receive the consideration due to its importance, when the views expressed in your letters will be carefully examined.

[1] Benton, Thomas Hart (1782-1858), an American statesman, was born at Harts Mill, near Hillsboro, N. C., March 14, 1782; attended Chapel Hill college in 1799; removed with his mother to the Cumberland settlement in Middle Tennessee, studied law and commenced practising in Nashville. He was a member of the Tennessee Senate in 1809; was Aide-de-Camp to Jackson in the War of 1812; was colonel of a regiment of Tennessee volunteers, who marched to the defense of Lower Mississippi from December 1812, to April, 1813; and lieutenant colonel of the 39th U. S. Infantry, 1813-1815. Benton removed to St. Louis, Mo., in 1815, where he established the "Missouri Inquirer," a pro-slavery journal, and served as U. S. Senator from Missouri for thirty years: from August 10, 1821, to March 3, 1851, but his eventual attitude on slavery lost him his seat in the Senate. He was a member of the national House of Representatives, 1853-1855. His political career closed with an unsuccessful campaign for the Governorship of Missouri in 1856. He died in Washington, D. C., April 10, 1858. His opposition to a national bank and insistence upon the virtues of hard money gave him the name of "Old Bullion." He was the leading advocate of westward expansion and proclaimed in 1849 that "his personal sentiments" were against slavery, although he was a slave holder. Consult W. M. Meigs, "Life of Thomas Hart Benton," 535 pp., Philadelphia and London, 1904; also Theodore Roosevelt, "Thomas Benton," 372 pp., Boston and New York, 1899.

Before any final action in this matter, I intend to call upon, and have a personal interview with you in reference thereto.

Very respectfully, Your Obt Servt

JEFFERSON DAVIS
Secretary of War.

Jefferson Davis to Montgomery C. Meigs.[1]

(From Letter Books Secretary of War Old Records Division, War Department.)

War Department
Washington, April 4—1853

Captain Montgomery C. Meigs,
Corps of Engineers,
Washington,
Sir,

Having been detailed on the 29' March by the Chief Engineer to take charge under this Department of the public interests connected with the extension of the Capitol and erection of the wings of the Patent office building, you will proceed to take such measures as may be necessary for the proper execution of these works.

As upon you will rest the responsibility for the proper and economical construction of these buildings, you will consider yourself fully empowered to make such changes in the present administration as you may deem necessary; and to regulate the organization hereafter as your experience may dictate.

In the disbursement of the moneys appropriated by Congress you will conform to law and the usages of the Treasury Department.

Your attention is particularly called to the condition of the foundation of the extension of the Capitol. Unfavorable re-

[1] Meigs, Montgomery Cunningham (1816-1892), a soldier, was born in Augusta, Ga., May 3, 1816, studied at the University of Pennsylvania, 1831-1832, and graduated at West Point in 1836. He was transferred from the artillery to the engineers in 1837, was promoted lieutenant in 1837 and captain in 1853. He was employed on various engineering works by the War Department, 1836-1852; superintended the construction of the Potomac aqueduct, and the iron dome of the U. S. Capitol, 1852-1860. He conducted the Fort Pickens relief expedition in 1861; was commissioned brigadier-general of staff and quartermaster-general the same year; was breveted major-general for distinguished service July 5, 1864, having served at Bull Run, Chattanooga campaign, and aided in planning the Washington defenses. He was a member of boards and commissions of the War Department, 1860-1882; architect of the U. S. Pension Building in Washington, 1882-1887. He was a regent of the Smithsonian Institution and member of National Academy of Sciences. He died in Washington, D. C., January 2, 1892.

ports have been spread abroad, and it is due to the public sentiment that a careful examination be made. If you are satisfied, upon examination and enquiry, that they are safe, no further steps will be necessary. If they are not, you will take such measures as will be effectual to make them so.

You will examine the arrangements for warming, ventilation, speaking and hearing. The great object of the extension of the Capitol is to provide rooms suitable for the meeting of the two houses of Congress. Rooms in which no vitiated air shall injure the health of the legislators, and in which the voice from each member's desk shall be easily made audible in all parts of the room.

These problems are of difficult solution and will require your careful study.

It will be proper for you to visit, at a convenient time, some of the principal rooms for public assemblies in our larger cities, and especially to examine those which it is understood have been successfully constructed.

The quarries from which the materials are obtained should be inspected by you at an early day.

Such books as you may need for your instruction and assistance will be furnished from the library of this Department.

A copy of a clause in the Act of 3d March 1853 making appropriations to supply deficiencies is enclosed for your information.

You will freely consult with this Department and make your reports directly to this office.

Very respectfully, Your Obt Servt—

JEFFERSON DAVIS
Secretary of War.

Jefferson Davis to Joseph G. Totten. [1]

(From Letter Books Secretary of War Old Records Division, War Department.)

War Department
Washington April 5'—1853

Brevet-Brigadier General Joseph G. Totten,
Chief Engineer,
Sir,

Having been informed by you that Captain McClellan of the Corps of Engineers and ten Sappers can be released

[1] Was graduated at West Point in the class of 1805. Had a long and meritorious career in the U. S. Army. Bvt. Major-General April 21, 1864. Died April 22, 1864. Aged 75.

from their present duties for the survey of a rail road from the head waters of the Mississippi river to the Pacific ocean, placed in charge of Governor Stevens of the Territory of Washington, I will request that both by telegraph and by letter, you will relieve Captain McClellan of his present duties in Texas and direct him to repair as early as practicable to New Orleans, there to await the necessary instructions from Governor Stevens, to whom he will report by letter.

In the plan of operations approved by this Department, it is proposed to operate with a separate party from Puget's Sound in the exploration and survey of the Cascade range, whilst the main party shall operate from the head waters of the Mississippi river through the Rocky Mountains. Governor Stevens, in charge of the whole survey, will direct in person the operations of the Eastern party, and on reaching the Rocky mountains, will advance with a reconnoitring party to meet the Western party and arrange the entire plan of operations.

In view of the magnitude of the entire survey, and the great public interests involved in it, it is desirable that an officer of Engineers should be detailed for duty with the Eastern party, and I have to request, if such an arrangement can be made without serious detriment to other branches of the service, that a Lieutenant of Engineers be detailed from those who may volunteer for the service, for duty with this portion of the work. The Sappers to be under his direction, or to be divided between him and Captain McClellan, as may be deemed most desirable for the good of the service. The officer, thus detailed, to report for service with the Sappers by letter to Governor Stevens.

The acknowledged traits of Governor Stevens' character, so well known to you personally, are a guarantee that the Engineer officers on duty with the party, will not only receive their full share of credit, but that in the situations and responsibility designed for them, they will command public attention and earn distinction.

Very respectfully, Your Obt Serv

JEFFERSON DAVIS
Secretary of War.

Jefferson Davis to James Buchanan.

(From Pennsylvania Historical Society Collections.)

Washington D. C.
7th April 1853.

My dear Sir:

I received with great gratification your kind letter of the 29th and have delayed my answer because I could not answer affirmatively to the small wish you expressed in relation to the appointment of a clerk. In June we will have an examination of Clerks and vacancies may thus be made among the Clerks of the War Department. I would be glad therefore to have the name of your friend to be put on file as an approved applicant waiting for a vacancy.

I have seen Mr. Van Dyke and was particularly pleased with him, his course like your own in defense of the constitutional rights of the South receives my gratitude and admiration.

You know the difficulty of making a selection under the contradictory statements in relation to individuals and to events by which an Administration is embarrassed, and better than those of less experience can make due allowance for any errors which may be or have been committed.

With assurances of the affectionate regard with which I have so long considered you

I am your friend

JEFFN. DAVIS

Hon. Jas. Buchannan.

Thomas B. Florence[1] *to Jefferson Davis.*

(From the Library of Congress. Manuscripts Division.)

Important.

"Evening Argus" Office
Philadelphia April 7 1853

Hon Jefferson Davis
Secretary of War
My Dear Sir

A sense of duty to myself, and to the people I have the honor to represent in the Congress of the United States, has induced me to address a letter (a copy of which I enclose) to the Quarter Master General. The rule under former Democratic Administrations of the General Government, was to give the member

[1] 1812-1875. Representative in Congress from Pennsylvania 1853-1861.

of Congress advisatory power at least, in merely local appointments in his District. As I can see no good reason, why a rule I deem salutary and proper has been departed from, and presuming it has been done without proper consideration of the bad effects, I have concluded it proper to inform you that I have addressed the letter to which I refer.

Truly yr friend
THOMAS B. FLORENCE

[Indorsed: Thos B Florence
To Sec'y of War &
Quarter Master Gen'l
Phila April 7 53,
Complains that he has
been badly treated in
relation to appointments
in his District
by the Q M G]

Thomas B. Florence to Jessup.

"Evening Argus" Office
Philadelphia
April 7 1853

Gen[l] Thomas S. Jessup,
Quarter Master General,
My Dear Sir,

William Caslin informs me, you have appointed Solomon Demears (with the approval of the Secretary of War) Shoe Inspector, at the U. S. Arsenal near Philadelphia. As this Building is within the Territory, which comprises the First Congressional District of Pennsylvania, and the *practice* has been invariably, under every Democratic Administration of the General Government that appointments immediately local, such as this is, should at least *be approved* by the Member of Congress for the time being—I naturally enough concluded that my Recommendation, having been disregarded *by the appointment of Demers*, there is a good reason unknown to me, why Caslin who is by far the most competent, in my humble Judgment, should not be selected. It is not therefore asking too much of you to inform me at your earliest convenience, the objection you may have entertained, against my written verbal and pressing personal importuning in behalf of William Caslin, a practical Shoe and Boot Manufacturer, and why you were

influenced to appoint a person, who is not so qualified by experience as the person who I desired you to appoint.

I will await with much anxiety an answer to this.

Very Respectfully
Your obt Servant,—
THOMAS B. FLORENCE

I may as well mention that *Four* appointments have been made at the Arsenal but *One* of which I was even a party to and that the Inspector of Clothing—I merely communicated *the wish of a Friend* who desired it—The others

The Superintendent
The Messenger
The Inspector of Shoes

I had neither part or lot in, I have been very badly treated—

[Indorsed: Phil[a] 7[th] Ap[l] 53
Tho[s] Florence]

Jefferson Davis to Isaac I. Stevens.[1]

(From Letter Books Secretary of War Old Records Division, War Department.)

War Department
Washington April 8, 1853

His Excellency Isaac I. Stevens,
Governor of the Territory of Washington,
Washington City,

Sir

The War Department being directed by a recent act of Congress to survey the several routes of a Rail road from the Mississippi river to the Pacific Ocean, it has been determined to explore and survey a route from the sources of the Mississippi river to Pugets Sound, and the following instructions are given in relation to it and for the information and direction of the several branches of the service.

1st—The exploration and survey is placed in charge of Isaac I. Stevens, Governor of the Territory of Washington, to whom all officers detailed for the same will report for instructions.

2d—The general project of the operation, subject to such modifications as circumstances may direct, is to operate from St Pauls or some eligible point on the Upper Mississippi towards the great bend of the Missouri river, and thence on the

[1] 1818-1862. Was graduated at West Point, Class of 1839; delegate in Congress and governor of Washington Territory; wounded second Manassas; died Sept. 1, 1862.

table land between the tributaries of the Missouri and those of the Saskatchawan to some eligible pass in the Rocky Mountains. A depot will be established at Fort Union, at the mouth of the Yellow Stone, and a portion of the party will rendezvous there and await the coming up of the main body. A second party will proceed at once to Pugets Sound and explore the passes of the Cascade Range, meeting the Eastern party between that range and the Rocky Mountains, as may be arranged by Governor Stevens.

3d—As in the prosecution of this exploration and survey it will be necessary to explore the passes of the Cascade Range and of the Rocky mountains from the 49th parallel to the head waters of the Missouri river, and to determine the capacity of the adjacent country to supply, and of the Columbia and Missouri rivers and their tributaries to transport, materials for the construction of the road, great attention will be given to the geography and meteorology, generally, of the whole intermediate region; to the seasons and character of its freshets, the quantities and continuance of its rains and snows especially in the mountain ranges, to its geology, in arid regions, keeping particularly in view the bringing of water to the surface by means of Artesian Wells, its botany, natural history, agricultural and mineral resources; the location, numbers, history, traditions and customs of its Indian tribes, and such other facts as shall tend to develope the character of that portion of our National domain and supply all the facts which enter into the solution of the particular problem of a railroad.

4th—Brevet Captain George B. McClellan, already under orders to report to Governor Stevens, is assigned to duty on this survey according to his brevet rank.

5—Captain John W. T. Gardiner First Dragoons
Captain Joseph Roberts Fourth Artillery
Second Lieutenant Johnson K. Duncan Third Artillery
Second Lieutenant Rufus Saxton Jr. Fourth Artillery
Second Lieutenant Cuvier Grover Fourth Artillery, and
Brevet Second John Mullan Jr. First Artillery, are assigned to duty on this survey and will report to Governor Stevens for instructions.

6th—In addition to Lieutenant A. I. Donelson and ten non commissioned officers, artificers and privates of the Engineer Company, already under orders for the expedition, one Sergeant, two Corporals, one musician and sixteen privates of Company D, First Dragoons, now stationed at Fort Snelling, will be placed at the disposal of Governor Stevens, and in view of the character of the service, the officers of the Company are required to select none but tried men and animals for the duty.

7th—In the exploration of the Cascade Range, the Brigadier General in command of the Pacific Division will assign to Capt.

McClellan two officers from those who may volunteer for the service, and thirty men to be selected from the several companies stationed in the Territory of Washington and on the Columbia river. Every facility will be given to Captain McClellan and his party in the discharge of their difficult and important duties, and much is expected from the hearty cooperation and assistance of the officers and troops stationed in the Territory.

8'—The several administrative branches of the service will, on requisitions duly approved by Governor Stevens, supply the officers, soldiers and civil employees of the expedition (except the scientific corps and their assistants) with transportation, subsistence, medical stores and arms. The Quarter Masters Department will supply funds to provide means of transportation and to pay for the hired men of the Department attached to the command. The Subsistence Department will supply rations or funds for their purchase. The Ordnance Department will furnish forty Colt's revolvers, forty Sharp's patent rifles, forty ordinary rifles and a mountain piece with the necessary ammunition, and a traveling forge. The Surgeon General's Department will assign a medical officer to the command, having skill as a naturalist, provided he can be detailed without detriment to the service.

9th—After the completion of the survey of the passes of the Rocky mountains, such portions of the officers, troops and employees, both of the escort and of the scientific corps as are not needed in the operations Westward to the Pacific, will be dispatched homeward by new routes, still further to develope the geography and resources of the country. Such of the officers and troops as are not wanted for office duty will report to their several stations, all civil employees not necessary for a similar purpose will be discharged and the office force will proceed to such point as may be designated by Gov. Stevens to prepare the usual reports.

10th—After the completion of the field examinations the expedition will rendezvous at some point in the Territory of Washington to prepare the usual reports, sending to Washington at the earliest practicable moment, a summary of the principal events of the expedition, and a railroad report to be laid before Congress on or before the first of February to be followed at a later period by an elaborate report presenting a full account of the labors and results of the expedition.

11th—The sum of forty thousand dollars ($40,000) is set apart from the appropriation for the survey thus entrusted to Governor Stevens.

JEFFERSON DAVIS
Secretary of War.

Pushmataha [pen-name] to Jefferson Davis.

(From the Library of Congress. Manuscripts Division.)

Washington Ap[l] 13, 1853

Hon Secy of War
Sir

It is the privilege of every american Citizen to point out errors which occur in the public service and in this regard I beg to specify some capital errors in the movements of troops.

The Quarter Masters department is the great stumbling block. This department can hasten or retard the movements of troops by delays and the selection of inefficient transportation routes and vehicles; especially if the Officer commanding the movement is at variance with the regular agent of the Dep[t]. This fact is clearly shown in almost every movement of the Army of late years and in none more so than Gen Taylors Army ascending the Rio Grande and his march to Monterey without a single baggage waggon. Now to obviate this great defect let power be granted to every officer commanding troops on a march to order his Quarter Master to furnish transportation Quarters forage &[c] wherever the regular Quarter Master fails and make his returns directly to the 3[d] Aud. of the Treasury who adjusts all Quarter Masters accounts according to Law. The Medical department is another Stumbling block. Gen[l] Worths Reg[t] was stricken with cholera at Lavaca and only one surgeon to upwards of 400 men. The Physicians refused to act for less than enormous fees such as 10 to 20$ per diem because their accounts were to be audited by the Surgeon Gen[l] and doubts were entertained whether they would get any thing unless by petition to Congress. By reference to the expenditure for medical attendance on that occasion the fact will be seen and differ of the charge if the acting quarter master had been permitted to pay the D[rs] bills would have been as $1 is to $10 or very nearly and the men better attended to. The regiment lost more than one fourth of its strength in little more than ten days this in the last of Dec[r] 1848.

To obviate this difficulty let the Commanding officer through his acting Quarter Master be allowed to hire and pay for Hospitals and medical attendance and everything necessary for the comfort of the troops and send his accts directly to the 2[d] Auditor for adjustment according to Law. Persons furnishing supplies &[c] to the Army have so many difficulties thrown in the way by the Staff that Congress of late years

is constantly annoyed by petitions. I advance this opinion and am conscious that I am right, but in the meantime I must not be understood as casting no blame on any individual but simply on the enormous expense of a staff large enough for an army of 100 000 men instead of 10,000 and very seldom over 6,000 fit for duty.

PUSHMETTAHAW

[Indorsed: Pushmatahaw /to/ Sec of *war*]

Jefferson Davis to R. F. W. Allston.[1]

(From Letter Books Secretary of War Old Records Division, War Department.)

War Department
Washington April 15, 1853.

R. F. W. Allston, Esqr.,
Georgetown,
South Carolina:

Dear Sir.

I have received your kind letter of the 5' instant, and am gratified at the favourable opinion you entertain of my fitness to administer the affairs of this Department. The cordial manner in which my appointment has been received by my old friends and comrades is most grateful to my feelings.

It would afford me much pleasure if I could, consistently with the interests of the service, aid you in the object you have so much at heart, but I fear that most of the officers you name will be on distant service, and will not be able to attend the meeting you propose. If at the time, however, it should be found that any of them can be spared from duty, and desire to visit West Point, I shall be glad to advance their wishes, if any action on my part is necessary for that purpose.

The letter you enclosed, addressed to Major Walker has been transmitted to him by the Adjutant General.

[1] Allston, Robert Francis Withers (1801-1864), Governor of South Carolina, was born in All Saint's parish, S. C., April 21, 1801; was graduated from West Point in 1821, and was lieutenant of artillery, serving on the coast survey, from August 8, 1821, to February 1, 1822. Obliged to resign his commission because of private affairs, he became a rice planter on the family estate at Chicora Wood, S. C. He was survey-general of South Carolina 1823-1827; a member of the South Carolina House of Representatives 1828-1830; a member of the Senate of South Carolina 1832-1856, serving as its president, 1850-1856; and Governor of the State, 1856-1858. He died at Chicora Wood, near Georgetown, S. C., April 7, 1864. Allston introduced scientific methods of rice culture and better varieties of seed. He wrote: Essay on Sea Coast Crops, 46 pp., Charleston, 1854; and Report on the Free School System in South Carolina, 42 pp., Charleston, 1847.

I send you, herewith the address of the Officers named by you according to your request.

Major J. B. Scott, 4' Artillery, Fort Washington, Maryland.

Lieut. Col. A. Bainbridge, 1st Infantry, Fort Territt *via* San Antonio, Texas.

Brevet Lieut. Col. J. K. F. Mansfield, Engineers, Boston.

Brevet Lieut. Col. T. Morris, 1' Infantry, Fort Duncan, Eagle Pass, Texas.

Lieut. Col. J. J. Abercrombie, 2d Infantry, Philadelphia.

Paymaster B. Walker, St. Louis, Missouri.

Colonel Mansfield is under orders for California.

Very respectfully, Your Obt Serv

JEFFERSON DAVIS
Secretary of War.

W. Grandin to Jefferson Davis.

(From the Library of Congress. Manuscripts Division.)

Apl 16. [1853?]

Private.

The enclosed, my dear Col, may serve to render unnecessary the repetition on honor, that I am not *Sam Green,* or "the man wot nominated Frank Pierce".

I have however, just found out the *bona fide* personage, and beg briefly to say, that in his correspondence, hereafter, you at least will be properly treated, with full justice, unless he be a liar, and the truth not in him.

I have not heard ought from the appt of Commissioner or Notary, which Gen Pierce spoke of to me in Wash^{n}.

Yrs.

[Indorsed: April 16— Grandin W.]

W. GRANDIN.

Jefferson Davis to Caleb Cushing.[1]

(From Letter Books Secretary of War Old Records Division, War Department.)

War Department
Washington April 20 1853

Hon. Caleb Cushing
Attorney General

Sir,

The construction of the addition to the Capitol and the disbursement of the appropriation for that work having been

[1] Cushing, Caleb (1800-1879), a political leader, soldier and diplomat, was born in Salisbury, Mass., January 17, 1800; was graduated from Harvard college in 1817; studied law at Newburyport, Mass., in 1821,

placed in charge of an officer of the Engineer Corps, the question has been raised whether it be required by law that this officer should give bond before being entrusted with the public money.

Upon this question I have the honor to request your opinion, and enclose herewith a memorandum prepared by an officer of that corps, containing a reference to several Acts bearing upon the point: the statements made by him as to the practice heretofore prevailing may be relied on as correct.

From the Engineers and some other officers, generally those employed in the construction of permanent works, no bonds have heretofore been required. Should this now be done, it would introduce an entire change in this regard into the practice of the Department, and one which I am satisfied is not required by the public interest.

Very respectfully, Your Obt Serv.

JEFFERSON DAVIS
Secretary of War.

The question of requiring bonds from the Engineer Officer superintending the Capitol extension under the late assignment of that work to the War Department, opens the whole subject of bonds from disbursing officers, and if the decision be made that bonds are to be given in this case, it will require them from every Engineer, Topographical Engineer or Ordnance officer, constructing fortifications, river and harbor works, armories, or arms throughout the country.

No new law has been made upon the subject, and the uniform practice of the Government from the time of Mr. Calhoun's administration of the War Department, has been to confide these disbursements, *without bonds*, to commissioned officers of the Army. The practice before his time had been to make

and commenced practising in the same town in 1824. He was a member of the Massachusetts House of Representatives in 1825, 1828, 1833-1834 and 1851; a member of the State Senate in 1826; a member of the national House of Representatives in 1835-1843; was nominated for Secretary of the Treasury by President Tyler, but not confirmed; was commissioner to China under appointment by President Tyler from May 8, 1843, to March 13, 1845; served in the war with Mexico as a colonel and as a brigadier general of volunteers; was twice defeated (1847-1848) as Democratic nominee for Governor of Massachusetts; was an associate justice of the Supreme Court of Massachusetts in 1852; U. S. Attorney General 1853-1857; was a commissioner to codify the laws of the United States in 1866-1870; was one of the counsel for the United States before the Geneva tribunal of arbitration on the Alabama claims; was nominated in 1874 by President Grant to the office of Chief Justice of the Supreme Court of the United States, but was not confirmed by the Senate; was Minister to Spain, 1874-1877. He died at Newburyport, Mass., January 2, 1879.

disbursements for fortifications by civil agents, entitled Agents for fortifications who gave bonds for the security of the money entrusted to their care.

The losses from defalcations under this system induced Mr. Calhoun to require the disbursements to be made by the Engineers themselves, on the ground that the commission of the officer was a better security than *bonds;* as, if he forfeited his commission, he lost all, while the civil agent, whose public funds often exceed his bonds, might carry off more than enough to indemnify his bondsmen.

The uniform practice of the Government, from that day to this, has been to require the Engineers and some others to disburse moneys. It is not to be supposed that this thirty years' practice, under which many millions have been disbursed, has been in direct violation of law.

This custom, it is believed, has worked well, and the public money has been faithfully and honestly expended. A change, it is believed, would be a partial return to the old practice would tend to lower the standard of the corps affected by it, and would not increase the security of the public money.

The laws referred to by the First Comptroller are, 1st the laws of 15 May 1820, Sec. 3, page 582 Vol. III Statutes at large, Little and Brown's edition, which provided that the President of the United States may regulate and increase the sums for which bonds shall be given where now required, or which may hereafter be required by the *laws* of the United States to be given by said officers (i. e. those enumerated in the 1st section of the Act) or which may be required, now or hereafter by *the laws of the United States* from all other officers employed in the disbursement of public moneys under the direction of the War and Navy Departments.

There is no enactment requiring any officer to give bonds who had not done so before (except perhaps those enumerated in the first section of the law) but a provision to authorise the President to alter the amounts for which bonds shall be given where then required or afterwards required by law.

The next law referred to is that of 31 January 1823, page 723, Vol III Statutes at large, entitled an Act concerning the disbursement of public money. A careful perusal of this Act has not enabled me to detect anything relating to bonds from disbursing officers.

The last law referred to is that of 5 July 1838, sec. 27. Vol. V page 260, Statutes at large, which enacts "that it shall be the duty of the Engineer superintending the construction of

a fortification or engaged about the execution of *any other public work* to disburse the moneys for the same", and provides a compensation for this service, which compensation is cut off by section 6 of the Act of 7 July 1838, page 308, same volume, which provides that while superintending public works they shall have no compensation for disbursing.

Acts subsequently passed have provided for the appointment of disbursing officers, and specially required that they should give bonds—see the Acts of May 18' 1826 sec 5.—4' July 1836, sec 3—23 August 1842, sec. 2.—These express provisions in regard to the Officers therein mentioned and the silence of the laws with respect to the Engineers and some other corps in connection with the contemporaneous construction and invariable practice since, lead to the conclusion that it was the intention of the legislature to leave it to the President's discretion whether to require bonds from the latter. It would be useless to speculate as to the reasons for making a distinction between the two classes of officers, but it may be observed that the duties of the latter are almost exclusively confined to the construction of permanent work in fixed localities where the orders of the Department can always reach them and a stricter supervision exercised than on officers whose duty it is to accompany troops in the field and make payments over extensive districts.

It may not be amiss further to remark that the condition of the Engineer officers, in regard to the disbursement of public money, is peculiar. By the Act of July 5, 1838 this is a part of their military duty, which they cannot refuse to perform without incurring the penalties prescribed by the Articles of War for disobedience to military order, and if it be a prerequisite to the performance of that duty, that they shall first give bond, this also must become part of their military duty—a consequence which is manifestly inadmissible.

The last law relating, not to the general subject, but to the Capitol extension, is the proviso of the Deficiency Bill of 3d March 1853, and it enacts that the disbursement of all appropriations for the Capitol extension shall be made under such *regulations* as the *President of the United States* may prescribe.

It rests, therefore, with the President to require bonds or not as he may determine. I trust that he will not strike a blow at the Corps of Engineers which will revoke the high compliment he has paid them by assigning them the Capitol extension to one of their number.

Madison McAfee[1] *to Jefferson Davis.*

(From the Library of Congress. Manuscripts Division.)

Lexington Missi
April 20th 1853

Col Jefferson Davis
Dear Sir

I see that Majr Griffith has received the appointment of Marshall, and although it would be affectation to deny that I would have preferred receiving the appointment myself, yet a gentleman has received it in every sense of the word well qualified for the office & whose appointment is probably more popular than any that could have been made—I learned on my way home, that the reason assigned for the Union delegates in Congress signing my recommendation was, for the purpose of defeating Majr. Griffith as he was supposed to be your favorite.

I can not divine the motives of men, but that such an object was ever mentioned to me I utterly deny, nor do I believe such an influence actuated these gentlemen,—I came under no obligation to any of these gentlemen, and Messrs Adams & Wilcox are the only Union democrats to whom I ever wrote or applied to in any way in relation to the office—I thought, and believe that Gen[l] Freeman went for me at the earnest solicitation of Hon W Brooke, who notwithstanding the almost angry political encounters between us, is a strong personal friend of mine. I make this explanation to you, as I would not have you or any one else to suppose that I could have been a party to any arrangement which involved as I conceive a sacrifice of principle

I notice in the "Flag of the Union" a piece rather intimating the cause of my defeat from which the inference might be drawn that I was of the Union party—I reply to it in this week's paper of Judge Red, and it may probably be published in the "Mississippian" and I reckon the Flag will not *now* suppose the reasons of my not "getting a hearing in the Cabinet" was on account of my *unionism.*

And now Col Davis I am about to make a request of you, and I do not know whether or not I am in the rules of propriety in doing so—if not you will please excuse me as I am somewhat indifferent about the matter.

[1] Auditor of Mississippi 1855-1859.

There is an office held by a gentleman from Ohio Majr Borland as agent for Indian Orphans' land in this state, and a good number of those who are interested in those lands have requested me to apply for the office—these lands are located in the counties of Holmes, Carroll and Tallahatchie principally —a few in Yalobusha & probably some in Lowndes, and I could never see any good reason why a gentleman from another state & particularly *Ohio* should have the agency of attending to them, and as I take it for granted that Borland will be removed & no friend from this state is applying for the position, I will be much obliged to you if you will suggest my name to the proper department—I understood when in Washington that there was no applicant for the office, but if there should be and he is of the 'right stripe' I do not wish to interfere, as I am making this application to gratify some friends & as it will not pay a great deal, I do not wish to come in competition with any good man—I shall use no other effort to get the office, & as I have already remarked I do not know that I am acting right in making this request of you as you are a member of the Cabinet

I have nearly recovered my health, tho' I had quite a long and tedious attack

It is the hope of your friends in this County with whom I have conversed that you will yet permit us to elect you to the U S. Senate, for when the time comes you have only to intimate your consent, & Mississippi will change your position at Washington

I will take it as a favor if you will reply to this at your convenience

Very truly your friend

MADISON McAFEE

[Indorsed: Lexington Miss—
20th Apl /53
Madison McAfee—]

Edward Featherston to Jefferson Davis.

(From New York Historical Society Collections.)

Camargo Mississippi April 25, 1853

Colo Jeferson Davis

My apology for troubling you at this time exists in the fact that I believe I have not been heard in my application to the President & Cabinet for an office. I attempted through Gov-

ernor A. G. Brown to make application for an office & named three places that I would accept. I fear the Governor forgot in the hurry of maters or in pressing his own case it might not be convienant to cary my application on.

I addressed a joint letter to Senator Adams & Messrs Wilcox & Freeman but it was as a matter of form for I knew they would not feel any very kind feelings for me; I had taken on the stump & in private intercourse a decided stand against the compromise & although I submited to the final decision of that question I held the Southern compromiser at a discount, all of which they new & I have no confidence in aid from them to get a place. I now wish to state my case to you & through you to the President & if he can give me a place worth any thing I shall be greatly obliged to him & to you. If it is not in his power to confer a place on me it wil not offend me or make me alter my political creed, my opinions are formed from an honest conviction of duty to my Country, I have ever voted & acted with the Democratic party because I beleived the creed of the party was best calculated to secure the prosperity of the U. States.

I founded my expectations for office on first having as fair as I can judge discharged my duty as a citizen, having filled several stations & performed many dutys as a civilian & secondly on servises rendered as a Military man, at the age of 17 years I served a hard campaign against the Indians under General Jackson in 1814, my name can be found on the Muster Roll of Capt McCall's Company Colo Winns Regiment General Roberds Brigade of Tennessee Militia. not being old enough to be called on by Law I substituted in place of my Father who considered him self unable to performe & was too proud to ask to be discharged. In the War with Mexico I yealded to the solicitation of Genral Gains & Gov. Isaac Johnson of La & raised a six months Regiment of Volunteers & was as I think unjustly discharged at the end of three months had I served out the six months I should have been at the battle of Monterey & have had a chance for distinction or an Honourable grave.

In yealding to the pressure in New Orleans & raising the 6th Regiment of La V I sacrifised a growing commission business in New Orleans & spent my private funds in such a way that I could not expect the country to reimburse me by a direct payment For similar servis, I know of no other, General Taylor gave Colo B. Payton a full Mission to Chili. I asked a more modest favour I named three small offices that I would

take either as might be most convienant in the distribution viz The Choctaw Agency the Surveyorship of the port of New Orleans or the Marshalship of North Mississippi. Should those places be disposed of & you have any other place that will be desirable & I can discharge the dutys I will accept. on the score of physical strength I feel as much capasity as I did at 30 years of age.

Respectfully
Your ob servt
EDWARD FEATHERSTON

P.S. I am fifteen days behind the news from Washington City & do not know the appointments that were made near the close of the session of the Senate.

If the office of Marshal of N. Mississippi has not been changed it will cause much dissatisfaction in this region of Country. I vote for a change whether I get it or not.

Colo J. Davis E F

C. S. Tarpley[1] *to Jefferson Davis.*

(From New York Historical Society Collections.)

Jackson 6th May 1853.

Hon Jeff. Davis
Dear Sir

Supposing that by this time the Goths and Vandals who so recently overran the City in quest of the Spoils, have departed and left you somewhat of leisure to eat sleep and think of affairs at home, I have resolved to trouble you for a little while in reference to our domestic matters. Our Convention, the most numerously attended and most respectable in point of talents that ever assembled in Missi has just adjourned, and the proceedings you will find in the Mississippian of to day. It was a great glorious and harmonious meeting of the Democracy, and although Foote used every exertion to break it up, by attempting to create distrust in the minds of the Union Democrats, yet it was a signal failure. He put forward his Senator Kenyon and through him attempted to act upon the Convention but it was "no go" and Kenyon retired in disgrace amidst the jeers and hisses of the entire Convention, (the immortal Jno H Horne and two worthy compeers excepted) Every thing went off in splendid order and

[1] Lawyer of Jackson, Mississippi; an intimate friend and political adviser of Mr. Davis.

with perfect harmony except the bad temper exhibited by Reuben Davis which will not affect the ticket at all, but act upon his own prospects hereafter. He acted very badly, but will be very much ashamed of it when he gets in a good humor. The Whigs think that they will be able to make some capital out of it but I have no fears at all about it, for the democracy in Missi is just at this time a *little* too popular and I have more fears arising from its want of energy and too confident reliance upon its own strength than any thing else. There were some queer things done "sub rosa" in reference to the appointments made by the Convention. McRea you know was a candidate for Senator and had declared that under no circumstances would he come down. This interfered very essentially with our friend Govr Brown who had declared himself a Candidate for the same station, and could not very well do without the assistance of the mighty East, McRea had to come down, and after being closetted two days with Brown, he submitted to his fate and agreed to become Governor and Browns whole influence was given in behalf of his nomination. This has arrayed the friends of Thompson McWillie and all other Gubernatorial aspirants against Brown, and I consider him as having out managed himself and without any thing like a reasonable hope of success. And here lies the secret of Reuben Davis'ˢ defeat He moved the Heavens, and all the green earth of North Missi on behalf of Wm H Johnson for Govr. upon the understanding of course that the whole of Johnsons influence would be given to him as a floater, But when he got to Jackson he found that the cork like propensities of Johnson induced him to float too if he could and Davis forthwith intered into the Brown scheme of bringing down McRea and of throwing the whole of his influence for him for Govr. upon the understanding of course that Brown & McRea should help him to float. This thing leaked out and created some bad feeling in the convention, and led to Davisˢ defeat. McReaˢ friends did not come up according to agreement and Davis in his speech called upon all the Gods to witness that he intended to defeat him if hard work and $30,000 could do it. This whole thing was owing to Browns scheme to getting rid of McRea and will as surely beat Brown as it has beaten Davis. Footes name was not called by any one in the Convention but it was clearly understood that he was represented by his man Kenyon and every blow struck at Kenyon was intended for Foote. I never saw a poor D——l treated with such contempt as Foote was treated by the Convention,

Every Union Democrat with a few exceptions, has given him up and he is doomed to the miserable obscurity from which he should never have emerged. He made a four hours speech after the adjournment of the Convention in which he gave Brown *very particular Jessie* and as usual dwelt almost exclusively upon his own great merits, and made his usual statements of falsehoods One thing has given your friends here some trouble, The democratic party of Missi almost without a division are anxious that you should be elected to the Senate next Winter, but it has been stated here as *by authority*, that you would not suffer your name to be used, I regret this exceedingly 1st because I think it would be better for your fame to be in the Senate 2d I was myself mainly instrumental in procuring your resignation in order to have you to run for Govr. and I never shall feel that full justice has been done you until you are restored by the people of your state to your original position, This can be done with the utmost ease if you desire it, but if the idea is to prevail that you have positively declined, other men will take the field and make their arrangements and it may be too late to accomplish any thing when the Legislature meets, I would by no means have you to declare yourself a Candidate at so early a day but I would like for you to write to Walker & other friends, and tell them not to compromise you upon this point, but to leave the matter to be settled by the people as they may choose Now let me say to you in perfect freedom why it is that I feel somewhat anxious upon this point. We expect and intend in the South to run you for the next Presidency, Whilst you are Sec at War you are necessarily responsible for all the acts of the administration whether growing out of its foreign or domestic policy, and although I doubt not they will be right, yet there must necessarily be some things of which every member of the Cabinet would not approve notwithstanding he would be responsible for them, While in the Senate a man is kept fully before the eyes of the nation, and is responsible for his own acts alone, These are some of my reasons for desiring to see you elected to the Senate, and I do hope that you will not permit indiscreet friends to pledge your prospects away. Brown McWillie Thompson Johnson & perhaps others will be Footes opposers, and if ever Foote can succeed in breaking down the Caucus plan he will be certainly elected. He tells the people, and with much plausibility that no caucus is necessary when none but democrats are running, and the Whigs to a man will go for him & put up no candidate of their own,

I have now hastily and in confidence given you the gossip of the times here, and should be glad to hear from you in reply

Every body well

Very truly
Your friend
C. S. TARPLEY

R. M. T. Hunter[1] *to Jefferson Davis.*

(From the Library of Congress. Manuscripts Division.)

(Private). Loyds Essex Co May 6—1853

My Dear Davis

I have been a little surprised at not hearing from you in relation to young Mason. This is a matter which ought to have been attended to as it is of more importance than you are aware of— I suppose however that it is now too late—

There is another matter not of as much importance as the other but still it is quite so. Mr T. A. Herrington of Harpers Ferry wishes to be postmaster at that place— He is a true man & a states right man— Faulkner desires another man who was his friend, voting for him a Union Whig against Bidulph an anti compromise Democrat— Since that time Faulkner has beaten a states right man for the nomination & pursues his war against Herrington who was for Tucker. Faulkner I learn owes his nomination somewhat to the impression that the administration was in his favor & that he could control the patronage in that district— It is important to attend to this— I have written to Campbell on the subject this evening— You will find a letter from Mason written some time ago recommending Wilson— It was written some weeks ago and if it were to do over Mason would recommend Herrington— That

[1] Hunter, Robert Mercer Taliaferro (1809-1887), a political leader, was born in Essex County, Va., April 21, 1809; graduated from the University of Virginia in 1829; and was admitted to the bar in 1830. He was a member of the State House of Delegates, 1834-1836; a member of the national House of Representatives from March 4, 1837, to March 3, 1843, and from March 4, 1845, to March 3, 1847, being Speaker, 1839-1841; U. S. Senator from March 4, 1847, to March 28, 1861. He was a member of the Provisional Confederate Congress; a member of the Confederate Senate and president pro tempore; Confederate Secretary of State from July 25, 1861, to February 18, 1862; one of the Commissioners sent to the Peace Conference at Hampton Roads in 1865; State Treasurer of Virginia in 1877; and Collector at Tappanock, Va., in 1886. He died in Essex County, Virginia, July 18, 1887. Hunter was the author of the Tariff Act of 1857; advocated the annexation of Texas; and was one of the first to advocate civil service reform. Consult M. T. Hunter: "Robert Mercer Taliaferro Hunter," 166 pp., Washington, 1903.

at least is my inference from a late letter received from him— He wrote me to push Herrington if I desired it without regard to his letter of recommendation— This is all confidential— But it is a matter which *craves* your early & earnest attention. With the best wishes for your health & prosperity

I am very truly
your friend
R M T HUNTER

[Indorsed: R. M. T. Hunter ansd.]

Jefferson Davis to R. S. Williamson.[1]

(From Letter Books Secretary of War Old Records Division, War Department.)

War Department
Washington May 6'—1853

Lieut. R. S. Williamson,
Topographical Corps.

Under the 10th and 11' sections of the Military Appropriation Act approved March 3d 1853, directing such explorations and surveys to be made, as might be deemed necessary "to ascertain the most practicable and economical route for a railroad from the Mississippi river to the Pacific Ocean," it has been determined to organize a party to operate in California, to survey and explore the country lying West of the lower Colorado, and a route connecting that portion of California with the Pacific Ocean.

I. The party for this exploration and survey will be commanded by Lieut. R. S. Williamson, Topographical Corps, who will be aided by Lieut. J. G. Plarke, Topographical Corps, and by the following civil assistants, viz:

One Mineralogist and Geologist.
One Physician and Naturalist
Two Civil Engineers

One Draftsman, who in addition to their stipulated compensation will be allowed the actual cost of their transportation to and from California. Packers &c will be employed in California at prices not exceeding those paid by the Quarter master's Department for such employees.

II. The party will rendezvous at Benicia in California, and having organized, will proceed to examine the passes of the Sierra Nevada leading from the San Joaquin and Tulare valleys and subsequently explore the country to the South east of the

[1] Was graduated at West Point in the class of 1844-5. Died 1882.

Tulare lake to ascertain the most direct practicable rail road route between Walker's pass, or such other pass as may be found preferable, and the mouth of the Gila: from this point the survey will be continued to San Diego.

III. In this exploration, great attention will be paid to every point connected with the location of a railroad. A general profile of the route explored will be determined by means of barometric measurements, and, generally, the topography, meteorology, geology, natural history, the character of the Indian tribes of the country &c will be studied as closely as circumstances will permit.

IV. The Commanding General of the Pacific Division will assign an escort of mounted troops to accompany the expedition, consisting of not less than three non commissioned officers and twenty five privates. Picked men and horses only will be sent on this duty, and the Commanding officer of the escort will be instructed to furnish Lieut. Williamson such aid and assistance as will tend to facilitate his operations. Transportation for the provisions, equipage &c of the escort will be furnished by the Quarter master Department.

V. Lieutenant George B. Anderson will be detailed for duty with Lieutenant Williamson's party.

VI. The Quartermaster and Commissary Departments will furnish to Lieutenant Williamson such animals, equipment, stores, provisions and other public property as he may need for the use of the expedition, and which can be spared, to be paid for out of the appropriation for the survey, at cost, at the place of delivery. On the requisitions of Lieutenant Williamson, the Ordnance Department will furnish arms &c and the Medical Department medicines &c for his party.

VII. The object of the expedition having been accomplished, all employees whose services may be no longer required will be discharged, and Lieutenant Williamson, with the office corps, will proceed to prepare as full a report as possible, to be laid before Congress, as required by the Act above cited, on or before the first Monday in February next; to be followed at a later period by a more elaborate report, showing in full the results of the expedition.

VIII. The sum of thirty thousand dollars is set apart from the appropriation for the expenses of the survey thus entrusted to Lieutenant Williamson.

JEFFERSON DAVIS
Secretary of War.

Jefferson Davis to William J. Brown.[1]

(From "Rise and Fall of Confederate Government," by Jefferson Davis, vol. I, pp. 20-22.)

Washington, D. C., May 7, 1853.

My Dear Sir: I received the "Sentinel" containing your defense of me against the false accusation of disunionism, and, before I had returned to you the thanks to which you are entitled, I received this day the St. Joseph "Valley Register," marked by you, to call my attention to an article in answer to your defense, which was just in all things, save your too complimentary terms.

I wish I had the letter quoted from, that you might publish the whole of that which is garbled to answer a purpose. In a part of the letter not published, I put such a damper on the attempt to fix on me the desire to break up our Union, and presented other points in a form so little acceptable to the unfriendly inquirer, that the publication of the letter had to be drawn out of them.

At the risk of being wearisome, but encouraged by your marked friendship, I will give you a statement in the case. The meeting of October, 1849, was a convention of delegates equally representing the Whig and Democratic parties in Mississippi. The resolutions were decisive as to equality of right in the South with the North to the Territories acquired from Mexico, and proposed a convention of the Southern States. I was not a member, but on invitation addressed the Convention. The succeeding Legislature instructed me, as a Senator, to assert this equality, and, under the existing circumstances, to resist by all constitutional means the admission of California as a State. At a called session of the Legislature in 1850, a self-constituted committee called on me, by letter, for my views. They were men who had enacted or approved the resolutions of the Convention of 1849, and instructed me, as members of Legislature, in regular session, in the early part of the year 1850. To

[1] Brown, William J. (1805-1857), a political leader, was born in Kentucky, November 22, 1805, and removed to Indiana in 1821. He was Secretary of State of Indiana, 1837-1841; a member of the State Legislature, 1841-1843; a member of the national House of Representatives from March 4, 1843 to March 3, 1845, and from March 4, 1849, to March 3, 1851; assistant Postmaster General, 1845-1849; editor of the Indiana "Sentinel," 1849-1853; special agent of the Post Office Department for Ohio, Indiana and Illinois, 1853-1857. He died near Indianapolis, Ind., March 18, 1857.

them I replied that I adhered to the policy they had indicated and instructed me in their official character to pursue.

I pointed out the mode in which their policy could, in my opinion, be executed without bloodshed or disastrous convulsion, but in terms of bitter scorn alluded to such as would insult me with a desire to destroy the Union, for which my whole life proved me to be a devotee.

Pardon the egotism, in consideration of the occasion, when I say to you that my father and my uncles fought through the Revolution of 1776, giving their youth, their blood, and their little patrimony to the constitutional freedom which I claim as my inheritance. Three of my brothers fought in the war of 1812. Two of them were comrades of the Hero of the Hermitage, and received his commendation for gallantry at New Orleans. At sixteen years of age I was given to the service of my country; for twelve years of my life I have borne its arms and served it zealously, if not well. As I feel the infirmities, which suffering more than age has brought upon me, it would be a bitter reflection, indeed, if I was forced to conclude that my countrymen would hold all this light when weighed against the empty panegyric which a time-serving politician can bestow upon the Union, for which he never made a sacrifice.

In the Senate I announced that, if any respectable man would call me a disunionist, I would answer him in monosyllables. . . . But I have often asserted the right, for which the battles of the Revolution were fought—the right of a people to change their government whenever it was found to be oppressive, and subversive of the objects for which governments are instituted—and have contended for the independence and sovereignty of the States, a part of the creed of which Jefferson was the apostle, Madison the expounder, and Jackson the consistent defender.

I have written freely, and more than I designed. Accept my thanks for your friendly advocacy. Present me in terms of kind remembrance to your family, and believe me, very sincerely yours,

JEFFERSON DAVIS.

NOTE.—No party in Mississippi ever advocated disunion. They differed as to the mode of securing their rights in the Union, and on the power of a State to secede—neither advocating the exercise of the power.

J. D.

Charles Hazen Peaslee[1] *to Jefferson Davis.*

(From Library of Congress. Manuscripts Division.)

Boston May 9th 53

My Dear Sir

I earnestly hope you can consistently with your views of public interests and your own feelings favor the application of Mr August Belmont of N Y for the Chargeship at Naples.

He rendered the committee at Washn, during the canvas, such all important aid, when we came near being broken down for want of means; that I feel constrained in honor to violate a rule I had established not to write a line or sign a petition in favor of any candidate for office.

I would not even in this case did I not think that fitness for the place, personal character & merit as well as credit & strength to the Administration pointed to him as the man for that position, whether we look to the past, present or *future* or all.

I have the honor
to be your obt servt
C. H. Peaslee

Hon Jefferson Davis
Secretary at War

Jefferson Davis to George B. McClellan.[2]

(From Letter Books Secretary of War Old Records Division, War Department.)

War Department
Washington D. C.
May 9, 1853

Brevet Captain George B. McClellan,
Corps of Engineers,
Sir.

The construction of the military road from Walla-Walla to Steilacomb, Puget's Sound, authorized by the Act of Con-

[1] Peaslee, Charles Hazen (1804-1866), a political leader, was born in Gilmanton, N. H., February 6, 1804, graduated from Dartmouth College in 1824, studied law, was admitted to the bar and began practising in Concord, N. H., in 1828. He was a member of the State legislature, 1833-1837; adjutant general of militia, 1839-1847; member of the national House of Representatives from March 4, 1847, to March 3, 1853; and Collector of the Port of Boston from April 1, 1853, to March 4, 1857. He died in St. Paul, Minn., September 20, 1866.

[2] McClellan, George Brinton (1826-1885), an American soldier, was born in Philadelphia, December 3, 1826, studied at the University of Pennsyl-

gress, approved January 7, 1853, is assigned to you under the general directions of Governor I. I. Stevens. You are authorized to make a requisition for such part of the appropriation as may be necessary to conduct the preliminary surveys and location of the road. These being accomplished you will enter into contracts with responsible persons for the construction. In order to avoid delay, you are authorized to draw upon this Department for a portion, or the whole, of the appropriation as soon as you have formed the required contracts, which will be at once forwarded to this Department for its sanction.

It is important that this road should be opened in season for the fall emigration, you will therefore use every exertion to do so.

Should it be found impossible to accomplish this, you will, at least, endeavor to fix the line of the road, especially through the Cascade mountains, and to perform such work on the most difficult portions as will enable the emigrants to render the route practicable by their own exertions—detaching a suitable person as guide and director, to meet them at Walla-Walla. Should you find it advisable, you are authorized to let out different portions of the road, or different kinds of work, on separate contracts. On account of the peculiar nature of the work, you may find it advisable, instead of contracting for the performance of a specified amount of work, to contract for the supply of the necessary laborers and tools, taking precautions to secure good ones. In any event, you will so arrange your operations as, first, to secure a practicable wagon road between the extremities of the road; devoting the remainder of the funds at your disposal to the improvement of the more im-

vania for two years and was graduated at West Point in 1846. He served in the Mexican War; was brevetted first lieutenant for gallantry in the battles of Contreras and Churubusco, and captain for like conduct at Chapultepec. He was promoted to the rank of captain of artillery in 1855; served on a military commission to the seat of the Crimean War, 1855-1856; designed the McClellan saddle, 1856; resigned his commission in 1857 to become chief enquirer and vice-president of the Illinois Central Railroad, and was subsequently president of the St. Louis and Cincinnati Railroad. He was made major general of Ohio volunteers at the outbreak of the Civil War; was commissioned major general in the regular army May 14, 1861, and in November of the same year was made commander of the armies of the United States. He created and disciplined the Army of the Potomac but his slow movement with it against Richmond yielded such increasing dissatisfaction that he was superseded in command in November, 1862. McClellan was the defeated Democratic nominee for President in 1864, but was Governor of New Jersey, 1878-1881. He died at Orange, N. J., October 29, 1895. Consult P. S. Michie, General McClellan. 489 pp., New York, 1901.

portant points, always endeavoring to make the whole road a good one.

Very respectfully
JEFFERSON DAVIS
Secretary of War.

Jefferson Davis to Winfield Scott.

(From Senate Ex. Doc. No. 34, 34th Congress, 3d Session.)

War Department, Washington, May 11, 1853.

Sir: I have considered the account presented by you for transportation of yourself and servant, at the rate of sixteen cents per mile, which the accounting officers have suspended, requiring the authority to be shown under which the journey was performed.

The regulation of March 5, 1844, is the only one now in force, so far as I am informed, which authorizes the allowance of transportation at the rate charged by you, and that regulation gives it only to "officers who travel under written and special orders from their proper superiors." Unless you traveled under such orders, therefore, I do not see that the claim can be sustained, and I have communicated to the accounting officers my concurrence in their decision by a note, of which a copy is herewith enclosed.

Very respectfully, your obedient servant,

JEFF'N DAVIS,
Secretary of War.

Major General Winfield Scott,
Commanding the Army, New York city.

Jefferson Davis to Robert McClelland.[1]

(From Letter Books Secretary of War Old Records Division, War Department.)

War Department
Washington May 13, 1853

Hon. Robert McClelland,
Secretary of the Interior,
Sir,

In compliance with the requirements of a law of the last Congress, three parties have been organized under the

[1] McClelland, Robert (1807-1880), a U. S. cabinet officer, was born in Greencastle, Pa., August 1, 1807; was graduated from Dickinson college,

direction of officers of the Topographical Engineers for the survey of routes for rail ways to unite the waters of the Mississippi with the Pacific Ocean. In their exploration they will necessarily pass through an extensive tract of Indian country, and will doubtless encounter many tribes of whom little or nothing is as yet known. It is important that in this, their first intercourse with Americans, the most friendly relations should be established. To accomplish the object not only must the parties be of sufficient strength to command their respect, but they must also be provided with gifts which will be pleasing to Indians and the acquisition of which will induce them to cultivate their acquaintance, as well as to look forward with friendly feelings to the arrival among them of other American parties. The interests of the Government would be subserved by providing these officers with suitable presents and articles to exchange for such trinkets and curiosities as might be interesting relics and serve the purpose of the Government in connection with its work on the history of the Indian tribes of the United States.

Officers of the Army, when in an Indian country, are liable to be required to perform the duties of Indian Agents. The Government may, therefore, avail itself of their services in that capacity. The interest which the officers commanding the parties, referred to, manifest in all that pertains to the Aborigines of the country, seems to guarantee minute investigations and a valuable report upon the character, condition, history and language of the various tribes they meet, as well as a faithful application of the funds which, it is hoped the Department of the Interior may be able to advance to promote their interests and produce harmony and good will between the two races.

The officers in charge of the parties are Captain Gunnison, Lieutenant Whipple and Lieut. Williamson of the Corps of Topographical Engineers, all of whom, from their experience,

Carlisle, Pa., 1829; and was admitted to the bar at Chambersburg in 1831. After practising about a year in Pittsburg, he removed to Monroe, Michigan, in 1833. He was a member of the Michigan Constitutional Conventions of 1835, 1850 and 1867; was a member of the State House of Representatives, 1838-1843; Speaker in 1843; a member of the national House of Representatives from March 4, 1843, to March 3, 1849; delegate to the Democratic National Conventions of 1848 and 1852; governor of Michigan from 1851 to January 5, 1853; Secretary of the Interior under President Pierce, 1853-1857; original Regent of the University of Michigan, 1837 and 1850-1852. He died in Detroit August 30, 1880. McClelland supported John Quincy Adams in his demand for the right of petition; and the "Wilmot Proviso," to prohibit slavery in newly acquired territory. Consult a sketch of his life in Michigan Pioneer Collections, Vol. 4, pp. 454-457.

are familiar with the tastes, habits and manners of Indians, and may be expected to accomplish the object herein specified in a satisfactory and creditable manner.

Very respectfully, Your Obt Serv
JEFFERSON DAVIS
Secretary of War.

Jefferson Davis to Stephen Cocke.

(From Mississippi Department of Archives and History.)

Washington D. C.
13th. May 1853

My dear sir:

The Post Master Genl. this morning handed to me a letter from Senator Adams in relation to the Post master at Aberdeen. He says that the Town is Democratic and that the incumbent is the choice of the majority of the people, that he refused to submit to exactions during the Presidential canvass to benefit W. Scott[1] and stood on high principles defying the orders of Fitz- Hy. Warren &c. &c. I told the P. M. Gen'l. that I would write to learn the feeling of the friends of the administration at Aberdeen and that he might suspend action for the present. Genl. R. Davis[2] also wrote in favor of retaining the incumbent in office.

I will write soon at greater length in relation to other matters.

As ever I am
Your friend
JEFFN. DAVIS

Hon Stephen Cocke

Jefferson Davis to A. W. Whipple.[3]

(From Letter Books Secretary of War Old Records Division, War Department.)

War Department
Washington May 14. 1853

Lieutenant A. W. Whipple,
Topographical Engineers.

Under the 10th and 11th sections of the Military appropriation Act, approved March 3d, 1853, directing "such explora-

[1] Genl. Winfield Scott, whig candidate for the presidency in 1852.
[2] Reuben Davis of Aberdeen, lawyer, politician, author.
[3] Whipple, Amiel Weeks (1818-1863), a soldier and topographical engineer, was born in Greenwich, Mass., in 1818, attended Amherst College

tions and surveys'' to be made as might be deemed necessary to ascertain the most practicable and economical route for a rail road from the Mississippi river to the Pacific Ocean, the War Department directs such explorations and surveys to be made as will develop the availability for this purpose of that portion of our territory, which lies near the parallel of 35° North latitude. The following instructions with reference thereto are issued for the government of the different branches of the public service.

1. The party for this exploration and survey will be commanded by First Lieutenant A. W. Whipple of the Topographical Engineers, who will be assisted by Brevet Second Lieutenant I. C. Ives, Topographical Engineers, and such civil assistants as may be required and the Secretary of War approve.

2. The Adjutant General will detail the necessary escort transportation for the provisions and equipage of which shall be furnished by the Quarter Master General. Second Lieutenant D. S. Stanley, 2d Dragoons will act as Quarter master and Commissary to this expedition.

3. Upon the proper requisitions, officers on duty in the Quarter Master and Commissary department at the various military posts upon the route, will furnish, as far as possible, all necessary supplies, which will be paid for at cost prices from the appropriation for the survey.

4. Medical stores will be furnished by requisitions upon the Surgeon General.

5. Ammunition and arms may be obtained from the Ordnance Department.

6. This party being organized, will collect the necessary instruments and equipment. It will then repair to the field with the utmost dispatch, and proceed with the survey and reconnoissance in question. The main party will rendezvous at some convenient point on the Mississippi river and thence proceed by the most favorable route westward toward Rio del

in 1836, and graduated from West Point in 1841. He assisted in the survey of the northwest boundary of the United States, 1844-1845; was the surveyor and acting principal astronomer of the Mexican boundary survey in 1849; was made a 1st lieutenant, April 24, 1851; was in charge of the Pacific railway survey along the 35th parallel in 1853; was made a captain, July 1, 1855; was in charge of lighthouses and river and lake improvements in the Great Lakes district, 1857-1861; was chief engineer of the defenses of Washington, D. C., and of the Army of the Potomac in the Manassas campaign; was brevetted lieutenant colonel, July 21, 1861, for gallantry in that campaign; was made brigadier general of volunteers, April 14, 1862; was brevetted colonel, December 16, 1862, for gallantry in the Battle of Fredericksburg; was made a major general of volunteers, May 6, 1863; and was brevetted brigadier general of volunteers, May 7, 1863, for gallantry in the Battle of Chancellorsville. He died in Washington, D. C., May 7, 1863, from wounds received in the last named battle.

Norte. From hasty reconnoissances and from such information as can be obtained from other sources it may be determined from what point upon the river Mississippi the proposed rail way should commence, and whether it may be advantageously connected with any rail way already projected by States or companies Westward from that river.

The reconnaissance will continue along the head waters of the Canadian, cross Rio Pecos, turn the mountains East of Rio del Norte, and enter the valley of that river at some available point near Albuquerque. From thence Westward extensive explorations must determine the most practicable pass for a rail way through the Sierra Madre and the mountains West of the Zuni and Moquis countries to the Colorado. In these explorations Fort Defiance can be made a depot for supplies and may furnish subsistence and transportation thence for the remainder of the route. From Walker's Pass it would be advisable to pursue the most direct and practicable line to the Pacific Ocean, which will probably lead to San Pedro, the port of Los Angeles; or San Diego.

Lieutenant Whipple will immediately detail an officer with a small party, to proceed directly to Albuquerque in Mexico in order to make that place a cardinal astronomical point in the survey; and to hasten preparations for the necessary explorations in the mountainous regions of New Mexico before the approach of winter.

Over such portions of the route as evidently afford no material obstacle to the construction of a rail way, a rapid reconnoissance will suffice. This work, however, must be checked by numerous geographical points determined by astronomical observations.

Through mountain passes greater accuracy will be necessary, in order to determine (roughly) the grades and curves to be adopted, and the probable expense of their construction. Great attention will be given to those collateral branches of science, which more or less directly affect the solution of the question of location for the proposed rail way; the nature of the rocks and soils; the means of obtaining water upon arid plains, whether by tanks or Artesian wells; the products of the country, animal, mineral and vegetable; its population and resources, its supply of timber, and other materials for the construction of a rail way; the location, character, habits, tradition and language of the Indian tribes.

Meteorological and magnetic observations will be attended to, Hygrometrical and Electrical states of the atmosphere will

be noticed, and all practicable measures will be adopted in order to develop the character of the country through which the party is to pass.

On or before the first Monday of February next, Lieut. Whipple will report the result of his investigations.

After the completion of the field work, the party will be disbanded in California, the soldiers, no longer required, will be placed at the disposal of the Commanding officer of that Department, and Lieut. Whipple, with such officers and assistants as he may deem necessary, will proceed to prepare for Congress a detailed report of the operations of the survey.

The sum of forty thousand dollars will be set apart to defray the expenses of the survey thus entrusted to Lieutenant Whipple.

JEFFERSON DAVIS
Secretary of War.

Jefferson Davis to Joseph Jerzmanowski.

(From Letter Books Secretary of War Old Records Division, War Department.)

War Department.
Washington May 14, 1853

Major Joseph Jerzmanowski,
No. 321 East 12'' Street
New York City,

Sir,

I have the honor to acknowledge the receipt, from the Secretary of State, of a translation of the letter addressed by you under date of the 1st of March last to the Minister of the United States at London, and a translation of your letter of the 11' instant to the Secretary of State, applying, in behalf of yourself and other Polish refugees, to be received into the Military service of the United States and organized into a separate corps, each retaining the rank gained for himself upon fields of battle in Europe.

In reply to this application I have to state that the number and organization of the several corps of the Army of the United States are prescribed by law, and the entire force thus authorized being now in service, this Department has no authority to accept the service of yourself and your countrymen.

Very respectfully, Your Obt Serv
JEFFERSON DAVIS
Secretary of War.

Wyndham Robertson to Jefferson Davis.

(From the Library of Congress. Manuscripts Division.)

(Confidential)

Gadsbys Hotel, Wednesday
May 16th 1853.

Hon. Jeff: Davis

My Dear Sir: The enclosed intelligence, relative to Louisiana politics, and particularly to the causes which led to Mr. Slidell's election to the United States Senate, may have escaped your observation. I send it to you therefore, as a striking, and at the same time, disgraceful Commentary upon the means employed by Mr S to secure the popular support of the La Legislature. True to his instincts, and not satisfied with the deserved opprobrium visited upon him, indiscriminately, by all parties, for his fraudulent participation in the election at Placequemine for President in 1848, he set right well to work, and succeeded (if the enclosed be true) to buy up the Legislature with his money. Much yet, however, remains untold. The sequel promises interesting developments: and when it shall be known, rely upon it, the seat which Mr Slidell will occupy in the highest deliberative assembly on earth, will be divested of its enviable honors by reason of the prevalence of facts, exhibiting the moral deformity of the man, which no devotion to party principles or straightforwardness can ever remove. Believe me,

Very faithfully & Sincerely Yours,
WYNDHAM ROBERTSON.

I have private letters this morning, which confirm the opinions set forth.

[Indorsed: Washington
May 16 '53,
Robinson Wyndham to Hon Jeff Davis
Portraiture of Slidell—
not very flattering.

Also [in another hand:]
Wyndham Robertson on Slidell]

Winfield Scott to Jefferson Davis.

(From Senate Ex. Doc. No. 34, 34th Congress, 3d Session.)

Headquarters of the Army,
New York, May 28, 1853.

Sir: Your recent decision against me, under the regulation of March 5, 1844, respecting officers' *mileage,* will, if not reconsidered, mulct me in a much greater sum than, under the circumstances, you could well have imagined. The date and journey specified in the particular voucher that was before you I do not remember, and I have no written *memoranda* within my reach of many similar journeys charged for by me; but I suppose I must have made some twenty others without any *written* order from higher authority, although in every instance (save one or two) I stated to the Secretary of War the objects of the proposed journey or tour, and obtained his approval in advance. I remember to have made three such journeys, on duty, to West Point, where I met, first, Mr. Secretary Wilkins, in June, 1844; next, Mr. Secretary Marcy, in June, 1845; and last, Mr. Secretary Crawford, in October, 1849; and I do not think that in either case (to enable me to receive the usual mileage) I asked for a written order in the name of the constitutional commander-in-chief of the army and navy of the United States, who, though certainly my official "superior," as you justly assert in the decision, was, with almost equal certainty, not within the contemplation of the regulation of 1844. Such, I have no doubt, was the opinion of those and other Secretaries, and of the Quartermasters who paid the several accounts. The Auditors, too, must for a long time, at least, have considered the commanding general of the army excepted from the rule that requires written orders; for, until about the day that you entered upon your present duties, I never heard that one of my mileage accounts, since March 5, 1844, had been disallowed or questioned. Then it was that Captain Clark, assistant quartermaster, sent me the particular voucher that has been before you, with a message that some Auditor thought it required the approval of higher authority. Considering the objection of the Auditor merely vexatious, I made several unsuccessful efforts to lay the subject personally before you, with the views and explanations I am now presenting, and, finally, left the voucher with the chief clerk of the department, not doubting that any departure from the strict let-

ter of the regulation, if there were any departure, would be cured by your equity and plenary authority over the whole subject.

If any Quartermaster had refused to pay my earlier accounts under the regulation, or if any Auditor had promptly raised the literal cavil in question, I should have been spared the extreme disadvantage brought upon me by the *laches* of these treasury functionaries, of combatting the *ex parte* decision you have given in the case. I, however, even now rely on the equity of the department to protect me against the negligence of the treasury, and in support of this appeal I beg to refer to "an act to provide for the prompt settlement of accounts," approved March 3, 1817, the 13th section of which declares "it shall be the duty of the Secretary of the Treasury to cause all accounts of the expenditure of public money to be settled *within the year.*"—(Military Laws, page 196.)

I have said above that I may have made, since March 5, 1844, perhaps two journeys, on duty, without the previous knowledge and sanction of the War Department. The first was to Annapolis and Fort Monroe, in (I think) April, 1850. I went to Annapolis under a summons to attend a naval court of inquiry as a witness, (but received no allowance from the Navy Department,) and I proceeded thence to Fort Monroe, probably without previously reporting my purpose to the War Department. The second case was my recent visit to Washington to meet the commissioners of the Military Asylum, according to appointment, and I beg to report that, by a like appointment, I am to be again in Washington on the first Monday in the ensuing month.

I have the honor to remain, sir, with high respect, your obedient servant,

WINFIELD SCOTT.

Hon. Jefferson Davis,
Secretary of War.

Jefferson Davis to Winfield Scott.[1]

(Letter Books Secretary of War Old Records Division, War Department.)

War Department
Washington May 31, 1853

Major General Winfield Scott,
Commanding &c.
New York

Sir,

I have received your letter of the 28th instant in relation to my decision in a case presented by you on a rejected voucher·

[1] Commander-in-Chief of the U. S. Army (1786-1866).

for transportation for yourself and servant. You inform me that unless this decision be reconsidered, you will be mulct in a much greater sum than, under the circumstances, I could well have imagined. My attention was exclusively directed to the case submitted, and my only object was to apply to it the law and the facts. The decision was confined to the point involved, and did not extend to cases in which the actual cost of travel is allowed to officers without written orders, as provided in paragraph 5 Order of March 5, 1844.

If, as you suppose, my predecessors in this Office have held that the Commanding General of the Army was, by virtue of his rank, excepted from the operation of an order, which, by its terms, embrace all officers of the Army, however disagreeable it might be, I should still deem it my duty to dissent even from such high authority. And, as though events, which were cotemporaneous, necessarily bore to each other the relation of cause and effect, you inform me that, until about the day that I entered upon my present duties, you never heard that one of your mileage accounts, since March 5, 1844, had been disallowed or questioned.

Again, you say that "if any Quarter master had refused to pay my earlier accounts under the Regulation; or if any Auditor had promptly raised the literal cavil in question, I should have been spared the extreme disadvantage brought upon me by the *laches* of the Treasury functionaries, of combatting the *exparte* decision you have given in the case."

You, who know so well the organization of this Department, and who first brought this case before me, must have known that the opinion of the Accounting officer of the Treasury was unconnected with my presence or anticipated entrance into the War Office. The objection of the Accounting Officer, together with your answer to the objection, came from you to me, and it is an abuse of language to term mine an *exparte* decision in the case. The rule of 1844 was restrictive in its character, and, therefore, to be rigidly applied. If it has been liberally construed in your case for a term of years, and your accounts have been passed as those of no other officer could have been, I do not perceive a just ground for the complaint you utter because a literal interpretation of the law and the Regulation, made under it, has recently been insisted on. In conclusion of this subject, I will add, that much of the reluctance with which I decided against your claim has been removed by the querulous tone of your letter.

The question of settled accounts to which you refer, has

not been before me; if it should be, I trust the Department will be found worthy of the reliance you express in its equity.

Your report that, by appointment you are to meet the Commissioners of the Military Asylum in Washington, on the first Monday of the ensuing month will receive attention.

I have the honor to be,

Very respectfully Your Obt. Serv.

JEFFERSON DAVIS
Secretary of War.

F. L. Claiborne[1] *to Jefferson Davis.*

(From New York Historical Society Collections.)

Natchez June 8th 1853

Hon Jeff Davis
Dear Sir

My friend John W. Leathers of Coveington Kentucky who applied for the appointment of Superintendent of Western rivers *filed with you such testimonials as no other applicant* for office could obtain—

He has just written me a private letter, which exhibits his character in such a commendable light that I send it to you—

The man who entertains such sentiments as this letter breathes is fit to be trusted—

I do hope he will get the place he wants—

Stanwood remains at the Hospital & I beg you to keep him there—

New applicants are springing up for his place every day & it is an easy matter to get recommendations— Stanwood & Family are the most proper persons to keep the Hospital— He voted for Pierce & will continue to vote the democratic Ticket through life—— I ask his retention in office as a favor to me & if need be *I want* all the responsibility to rest on me—

Our party prospects in Mississippi are not flattering—discord prevails every where—Yet by following wise & prudent councils all may yet be well—

The great object should be to elect a democratic Legislature that will create a Senator who has the full confidence of the party— If we find that we cannot elect a Democrat from Adams County, we hope to run a Whig who will not vote for Foot—

[1] Nephew of Gov. W. C. C. Claiborne of Mississippi and Louisiana, and a leading citizen of Adams County, Miss.

Foot has appealed from the democratic Party to the people & I hope to see him signally rebuked—

We have a Convention at Monticello the 4th Monday of this month—

I have visited three countys & shall go to four more & then to the Convention—

My object is to keep down animositys & to prevent the party falling out about men—

I am doing all this at much trouble—loss of time & expense to myself—

I asked for a deputyship under my brother as Timber Agent —The public interest required it— As yet I have heard nothing about it & suppose no attention will be paid to it—

But this makes no difference with my democracy—I have worked without reward & much as I would like to be gratifyd, shall continue to do so— I venture to say that no man in the state has performed the same amount of labor for the party that I have lately & from now until November shall be constantly engaged.

If the 4th Congressional district becomes *broken* up about men, the State is gone & Foote will be Senator— It is conceded by your friends that I have done & have it in my power to do more to preserve harmony than any man in the district.

Trusting that you may have health & looking to your future promotion I am

Yours Truly
F. L. Claiborne

Jefferson Davis to James Buchanan.

(From Pennsylvania Historical Society Collections.)

Washington D. C.
6th July 1853

Hon. James Buchanan
My dear Sir,

I have been hoping to see you and this has perhaps prevented me from writing long since in answer to the application of your friend Williamson for a brevet of the grade of second Lieut.

There is no greater barrier seperating the soldier from the officer than that which divides the Sailor from the officer. The warrant grade of Cadet in the one case and that of midshipman in the other offer the obstacle which it seems to me extraordinary merit alone should overcome. Waiving the question whether a Brevet can properly rest on a "non commission"

you will perceive that something more than a request is necessary to warrant the conferring of a Brevet.

A Cadet as a warrant officer is authorized by law to receive upon being graduated the Brevet of the lowest commissioned grade and to be attached to corps and companies to await promotion. How is an officer in this position to be superceded by an appointment which would deprive him of the promotion guaranteed by the rules and articles of War?

The common error is to suppose that a Cadet is not an officer of the army and that his promotion to a Second Lieutenancy is an original appointment which might as well have been conferred upon a citizen.

It is Democratic and popular to enlarge the field and make success the reward of diligence and merit—

This is attained in a higher degree by appointing as is now the practice cadets from every congressional district and from the U. S. at large to the number of say one hundred, than it could be by appointing the number of officers required, or in other words the number of Cadets who prove themselves worthy of Commissions by mastering the course of the Academy, which will average say 40 annually.

One point more your correspondent has imposed on you by inducing you to believe that he was a Sergt. Major, he is an unattached recruit and can only have a quasi appointment which will cease when he joins the Regt. to which he will be assigned when sent to duty—Sergt. Major is a Regimental officer—On the 4th Enlistment your correspondent changed his name from James Williamson to James H. Williamson, and his place of birth from "London England" to "New York City."

As ever yr. friend

JEFFN. DAVIS.

J. Mitchell to Jefferson Davis.

(From New York Historical Society Collections.)

Tates ville Desoto Miss July 10th 1853

Col. Jefferson Davis Dear Sir as I am personally unacquainted with you of corse my communication will have to Be som what short though as politicks is Be coming som what acsited in my county I feel ansious for you to Be in formed of som of the planes plans and skeams of Gov^{or} Foot. he has Bin with the people at hernando and at last has gotten up considerable

excitment, I, was in formed a few Days ago By a Whig who was a mem Ber last session from this county that U. S. foot Says that he never intends to Sleep a hole night So help him god until he Slays Davis, Brown, & Mc Ray, this conversasion he had privitly he alsoses that if he is ellected to the U. S. Sinet that he can have influence anof with Presi Dent Peirce to hav a new cabinet mad there's menny other things I could in form you of though noing that you have menny friends that is fully competant to keep you fully acquainted with the sines of times in our State, this you can keep to your Self hoping that you may not take no of fence at me for addressing you those few lines if we ar not personly acquainted I give you this for what it may Be worth to you wishing you Success in all your under takings &c I predict from the present that we ar going to have quit a warme an election this fall.

Yours & C J. MITCHELL.

Endorsed:

Important
About Mi. politics
In De Soto county

Charles D. Fontaine[1] *to Jefferson Davis.*

(From New York Historical Society Collections.)

Pontotoc July 13 1853

Hon Jeffn Davis
My dear Sir

Your esteemed favour of the 28th Ulto. only came to hand yesterday, eight days after the event to which it refers. The Convention of the 4th did assemble in my absence on a tour through the western counties of this Judicial District; (for you must know I am a candidate for Cir: Judge). I am told that it was a signal failure; only four counties represented, & these of the original friends of Davis who were dissatisfied, were divided in opinion.

I send you an extract from the Fulton Monitor, which contains the only published account of its proceedings which I have seen. This Editor at the outset was among the most discontented, at the defeat of Davis, and his Editorial, I think a fair index of the reaction which is taking place in the public mind. But from the best information I possess, I do not think there is any material division out of the four counties, represented in the Convention. All the disatisfaction I have en-

[1] A prominent lawyer of Pontotoc, Pontotoc County, Miss.

countered in Lafayette Marshall Desoto & Ponola where I have been most of late may be refered, not to the defeat of Davis, but to the nomination of Muse & the other Union Democrats on the Ticket, Barksdale is as much a favourite with them as Davis. Indeed I regard the Democracy in these counties as much united as they ever are at this stage of the canvass.

What falling off there may be will be found in a silent erasure of names on the day of election, without the exertion of influence against any part of the Ticket. This defection in these counties will be limited to States Rights Democrats. And the existence of this feeling will react in Tishomingo & elsewhere to the injury of Wright in his contest with Nabers. In this county I am informed, that the State ticket is receiving a very general support of both Wings of the Democratic party.

My correspondents think, that Footes coalition with Nabers, Kynion, Runnells & Scruggs will not materially affect the election of any of the nominations of the late Democratic (State) Convention.

I am gratified that you do me the justice to believe that I would cheerfully make any sacrifice for the principles I have advocated from my cradle. And I can assure that the restless ambition of Davis, which never could brook constraint, & which has recently led him to exhibit himself so indecently before the country, in contempt of the Convention, whose nomination he courted & was disappointed in getting, has never found favour or encouragement from me. But my place as a candidate for the Judgship, has excluded me from participating publicly in the contest now waxing warm, I have contented myself with exerting in a quiet way, all my influence, to restore harmony to our distracted party. Under present circumstances, I think this the wisest course to pursue, & I think such moderation shown by others is telling with good effect on the public mind. Frankness compels me to say, that had a less furious onslaught upon Phelan Davis &c been made at the outset, the work of pacification would have been easier & more effectual. As it is you may well imagine that Foote is in his element again & busy stirring up the embers of discord. The announcement of Bradford for Floater, has greatly added to Barksdale's strength, & will I think go far to open the eyes of the Union Democrats, as to the ultimate end to which their leaders would carry them.

In conclusion I will say, that by effort we may retrieve, our error, but it is provoking to see how madly our Convention threw away the means of victory in their hands.

I have forwarded your letters to Featherston & Phelan as you requested. The latter Gentleman however has gone down to fight the Editor of the Mission on the account of the denunciatory article against him a week or two since.

The Legislative canvass has not sufficiently developed yet, to justify an opinion as to the result of the senatorial contest. If at any time you desire to know any thing about the progress of the canvass, I will take pleasure in answering any enquiry you may make & in the mean time remain

Very sincerely
Your friend & Svt
CHAS. D. FONTAINE

Speech of Jefferson Davis at Wilmington, Del.

(From the UNION: Washington, Friday, July 15, 1853.)

THE WILMINGTON RECEPTION OF THE PRESIDENT AND CABINET.

The following is the report, as given by the Philadelphia papers, of the

SPEECH OF JEFFERSON DAVIS.

Hon. Jefferson Davis, on being introduced to the audience, was received with marked applause. He spoke as follows:

I thank you, my fellow-citizens, for the kind consideration which you have evinced towards so much a stranger as myself. It is but a manifestation of that love which every true American bears to his country to see respect shown to even one of the humblest instruments of the people. I have no claim upon you, and can have no other save that which belongs to every servant of the republic and every man whom you believe to be a true American and constitutional republican at heart. To you, my fellow-citizens of Delaware, as one of the President's cabinet, I return my thanks for the cordial manifestation which you have given him in this welcome to-day, and, above all, as an American citizen, I glory in the exhibition which only belongs to a free people, when voluntarily they come forward to pay their tribute to one who can give them nothing in return. (Applause.) For, fellow-citizens, though the executive patronage is a thing much talked about, it is nothing to the great masses of the people. How few of you are there with a desire, or who expect ever to hold an office, and yet glory

in the fact that there are few, very few, American citizens who are not better without than with an office. (Applause.)

You, my friends, have received that compliment which is due to your fathers—men who paused not, who doubted not when the great proposition was submitted to them which made these States one, and this a Union of freemen. It is your proud history to have Delaware represented in the little constellation which once marked our republic—there her star shines through State sovereignty as bright as any other of the Union. It is your peculiar privilege, as one of the old thirteen, to be recorded upon one of these stripes that stand historically to mark the original size of our political family. (Enthusiastic applause.) May that star shine there forever! May that stripe remain there forever undimmed, save as multiplication of our political family into States may cover the flag with stars until it shines a galaxy of republican light. (Great applause.) Happily indeed has your worthy mayor expressed the highest duty of an American statesman.

The constitution is our bond of Union. It holds these sovereign States united. The wisdom of our fathers has been exhibited year after year until it is hardened in the affections of their sons, so that I cannot conceive of the day when that bond can be broken. A strict observance of the constitution—true faith to it—is the highest duty of an American citizen. He is not worthy the blessings of our fathers left us who would not claim all the rights of that constitution; and he is no freeman who would attempt to usurp privileges not conferred by it. It is the maintenance of that bond which is to perpetuate the Union forever. It was that happy conceit which held sovereignties together, that permitted an unlimitable extension of territory; for there is no expense which may not be covered by this Union, if its delegated powers are strictly and constitutionally exercised.

Why, sir what has become of that fear which was once entertained, that the expansion of the Union would destroy its unity and strength? Look at the law now of that affection which binds the citizens of this Union together. Go to every quarter of it—stand upon the frontier—look into a foreign territory or upon a savage wilderness, and there you will find the heart beat as responsive, may I say with warmer attachments to the Union than those who cling immediately around its centre. (Enthusiastic cheering.) But, my fellow-citizens, striplings may deride you because of your want of acres. It has been a matter of wonder to some man who was fool enough

to wonder at that not at all wonderful, that Napoleon should have been born on the desert island of Corsica; but you have given statesmen enough, you have given heroes enough, you have done enough as a State, you are sufficiently known in the councils of the Union, to silence vain speculation as to the amount of respect that is due to this venerable and worthy old Commonwealth of Delaware. (Great and continued applause.)

I well remember that in the midst of great conflicts in the United States Senate, when the disturbing elements seemed likely to produce wounds which time might not heal, and in casting about for some one who was to be chairman of a committee that might adjust most painful difficulties, the State of Delaware was selected to furnish that chairman because of the neutral position she held in this Union, standing as it were, midway between the conflicting elements of the North and South, and your old and venerable senator, (Hon. J. M. Clayton) was selected—a gentleman from whom I often happened to differ politically because we belonged to different parties, but who always commanded a high degree of my respect, both for his character and intellect, and who cannot be here to-day. He is one of those whom neither physically nor intellectually can many men overlook. He was chosen chairman of that committee, representing the State of Delaware, and came in with a peace proposition which I still regret was not accepted by the body to which it was presented. (Applause.)

You cannot expect me, fellow-citizens, on an occasion like this to enter into any of those questions which divide us and belong to political parties; but you will permit me to say that the people having elevated your present Executive to the chief magistracy of the nation, have, I am fully assured, placed in that chair a man who will redeem all the pledges of his inaugural, who never will allow the flag of his country to be insulted, who never will allow a citizen of this country to be murdered in cold blood by any power, when he claims the protection of that starred and striped banner which should be the sacred shield of every American citizen. (Enthusiastic applause.) He, too is a glorious patriot, descended from a glorious sire of revolutionary fame. He knows no North, no South, no East, no West; and will abide by all the obligations and enforce all the rights and privileges of the constitution. (Great applause.)

With such a President as this, I feel that a view lies before us of prosperity and peace in the future, of expanding com-

merce, of increasing fraternity at home, until that miserable faction which has disturbed the peace of the Union shall be crushed beneath the heel of patriotism, which long since should have ground it unto dust. (Applause.) But it is not, after all, so serious as many of us—and I among the number—once supposed. We have measured them; we have looked upon them; and, as compared with the great mass of the patriotic people, they stand in that relation which an eminent British statesman once gave to a similar faction, when he said it was as the cricket compared to the ox—the noisy cricket vexing the air while the ox reposed beneath the shade. (Applause.) This noisy faction that wearies the sense and disturbs the peace of the mighty mass merits only the contempt of every American citizen; and I trust the day is not remote when it will be remembered among the things that were. (Great applause.) I thank you, fellow-citizens, for your attention.

Jefferson Davis's Speech at Trenton, N. J.

(From the UNION: Washington, July 16, 1853.)

(The following is the speech made by the Hon. Jefferson Davis, Secretary of War, when accompanying the President of the United States on a journey to New York, stopping at Wilmington, Trenton, Philadelphia, Princeton and Newark.) At Trenton, when introduced, Mr. Davis spoke as follows:

Ladies and Gentlemen, my fellow-citizens of the State of New Jersey, like my honored chief, I came here to hear, see and enjoy, but not to speak. In treading this sacred dust of Trenton, I feel like one who comes to pour his heart's libations as a pilgrim upon land consecrated to the cause of liberty. (Applause.) It is at such a moment I can feel much but speak little. Here was one of those eventful battles which made us one people—made you free men, and entitled you to stand in the image of your Maker in the presence of any man, and claim with him strict equality. (Immense applause.) New Jersey has in her history and her lineage that which would make her—if there were no political principles combined with it—what your worthy chief justice has so well described in the devotee of State rights. Well may you assert your sovereignty as a State, which you nobly achieved when you were but an infant colony. Well may you assert the great principles of State rights upon which our Union was founded. Well may you claim from this Union to stand the proud equal in

its councils, as you do its equal in representation in the Senate; for it was you who gave so much to achieve that from which all our privileges flow. (Applause.) If I were going to introduce New Jersey to a stranger, I might do it somewhat in the language of an old friend to Walter Scott, when he was a young man, when he said: "Let me introduce my young friend, Mr. Scott; always the first in a row, and the last out of it." (Laughter and applause.)

Who is there, however, remote may be his location in this Union, whose heart does not beat quicker at the name of Jersey Blue. Yes, you are the descendants of those who well won that proud distinction in days more trying than you will ever encounter. And well may we look to you again whenever it may need you, at your country's call to rally, like the Jersey Blues, around your country's standard, and never change your colors until they shall become red in the gore of those who bore them. (Enthusiastic cheering.) This, my fellow-citizens, is an occasion which appeals deeply to every one; and most of all, to him who addresses you, from his close connexion with your honored Chief Magistrate. You see in him a citizen called from the peaceful avocations to wield the chief executive power of the United States; and you see in him a man whom honors could not spoil, nor office inflate with pride incompatible with the purity and simplicity of his republican heart. (Long and continued cheering.) He gave to you in his inaugural address a declaration of those principles which he so manfully maintained on the floor of the House of Representatives and in the Senate of the United States; and he gave to you, with a heart within his breast worthy of a son of Ben Pierce, a resolution to execute all to which he had pledged himself. (Applause.)

And this is the harbinger of peace to our Union. It may be that here and there some noisy faction may stir the air and vex the sense with cries against which the constitution was formed to secure; but nowhere can any great body of the people desire less than that which the constitution gives, and I trust that nowhere in any State will any great body of the people ever be willing, while they breathe, to surrender one of those rights our fathers gave us. (Applause.) Then, I say, this comes to us as a harbinger of peace, because it assures that those great principles upon which our government rests are to be the guiding star of the administration—that there is to be a strict construction of all of the powers of the federal government, which leaves to the people in each locality the

power to administer their own affairs, and, in the language of your chief justice, bids all beware how they lay their hands rudely upon the institutions of brothers.

On fraternity our Union was founded. It was because of the closing, linking of man and man of the little army of the revolution, oftentimes unarmed, unfed, unclothed, unshod, that they achieved those glorious battles which must remain on the page of history a wonder to all posterity. Divisions which should rend us asunder, conflicts which should weaken the local forces, would not tend to disunion. That is not the danger, my friends—the danger is of consolidation, centralization, and the re-establishment of despotism upon the liberties of the people. (Applause.)

Most heartily did I thank your Chief Magistrate for his declaration in his inaugural, that there was no danger to the principles of our government by its expansion in territory. So far as the tendency to break off is concerned, I believe that even he might have gone further and said, that if there were any danger in an undue expansion, it was the danger of consolidation. And why? Take your own case. New Jersey, with all of her proud history, with all reverence to the fathers of those who may act upon any political event, could never lose her identity as a State, nor surrender a portion of her sovereignty. She feels that she was one of the creators, and not the creature, of the government. She feels that she is the master; that this federal government is her agent, and the federal officers are her servants. (Loud applause.) But, upon the other hand, if some conglomerated mass of the people should ever inhabit a territory, and that should be elevated to the dignity of a State by the arm of the federal government, that people should feel that they were not the *creators,* but the *creatures,* of that government; and their State rights might go down to the lowest depths of submission, and despotism might prevail, and the arm of the federal government, which had raised them to be a State, would drag them down to the condition of slaves. (Applause.) I say the danger is not that by these acquisitions we shall sow the seeds of disunion; but the danger is rather that, by an inordinate acquisition, we shall sow the seeds of centralization. Such are my views; but I feel this is no occasion to run into a political disquisition. I rose rather, ladies and gentlemen, to return you my sincere thanks, and to express to you the gratitude I felt to stand in the midst of fair daughters and brave men on the sacred ground at Trenton.

At the conclusion of the addresses, the procession reformed and marched to Kay's United States Hotel, where a dinner had been provided. . . . After dinner, the President and suite, with the Trenton committee, were conveyed to the depot, where they immediately entered the cars and were off.

PRINCETON.

After the President was introduced and responded in a speech, he turned to the end of the platform where many of the citizens of the town came up and shook his hand. At the other end of the platform HON. JEFFERSON DAVIS being repeatedly called for, made his appearance and addressed the people as follows:

My friends and fellow-citizens of New Jersey, you see that we have but a moment to wait, and that moment I cannot consume, because it is your pleasure as well as your privilege, to see your Chief Magistrate. Permit me, in one single sentence, to say that I am happy to meet you face to face on this ground, consecrated by the Revolution; and here comes to me unbidden the brilliant memory of Mercer, who, in these office-seeking days, will teach a lesson which ought to be well for many to learn, who, when men were struggling to know what high command they could enjoy in the revolution, addressed that brief letter to Washington: "Mercer will serve in any position for which he is deemed qualified." (Applause.) How will not this lesson appeal to the American people, many of them, at this moment, instead of looking to the great interests of the country—instead of appealing to the administration to know, what its policy is, what its measures shall be—are clamoring at each other to know who shall be invested with the spoils of office. On this patriotic land I feel but little of this sentiment can exist. Your own country—your parentage can deny it. But I should feel that I was imposing on your good nature if I consumed another instant of your time. I thank you for the compliment of calling me to address you. (Great cheering.)

Speech of Jefferson Davis at Philadelphia.

(From the UNION: Washington, Sunday, July 17, 1853.)

THE PRESIDENT'S JOURNEY.

The following speech was made by the HON. JEFFERSON DAVIS, Secretary of War of the United States, at the banquet

at the Crystal Palace, Philadelphia, Pa., (This speech attracted particular attention because of the allusions made by Mr. Davis to the Pacific Railway project. Mr. Buchanan responded with approbation to Gen. Davis's sentiments on this subject, and it will be observed that he announced the concurrence of the President in his views on this great national work.)

SPEECH OF GEN. DAVIS.

Hon. Jefferson Davis arose and said that he begged leave, on the part of those members of the cabinet who were present to return their cordial thanks for the compliment paid them. They stood in the attitude of those who enjoy the advantage of reflected light; yet they did not think they were entitled to the consideration of those present because they were members of the cabinet—it was rather because they were American citizens, and brought within the circle of Pennsylvania hospitality, that compliment was bestowed on them. (Applause.) Pennsylvania hospitality was not to be limited hereafter, as it had been heretofore, by the slow progress of the old wagon and Conestoga horse, nor by the yet more rapid march of the coach, nor by the yet more rapid march of the railroad. No! Pennsylvania was tied by lightning to every portion of the United States, and with her coal and iron she was about to establish commercial relations with the slope of the Pacific, and to look over into that unknown region of Asia which includes China and Persia. (Tremendous cheering, which prevailed for many minutes.) They knew that he belonged to the strict construction school, which never turned to the right nor to the left to serve any purpose of expediency.

The PRESIDENT (interposing) observed that he was certain of that.

MR. DAVIS resumed: Within the limits of the States they would touch nothing; and he spoke not for himself alone, but his honored chief himself. (Applause.) But when they looked to their recent possessions on the slope of the Pacific, there were two things which arrested attention. Upon the pages of history nothing is marked more steadily than that, running back to the remotest antiquity, mountains of divided nations, that as the light or shadow fell upon the one side or the other, so would the character of men be modified and government changed. But had it not been in the progress of mind, in its conflict with matter, that the United States had advanced—had gained additional force; and had they not reached the period

when they could triumph over this natural obstacle—when they could skip the mountains, tunnel them, or pass them by any means known to civil engineering, binding men together, so that the fluctuations of life should become to them as nothing? (Great applause.) He had said that he was a strict constructionist, but he had also mocked the idea that the constitution had one construction within the limits of the United States and another outside of them. (Applause.) He had also mocked the idea that this government could build a road outside of the United States, and could not build one within it. (Great applause.) There was another question, which involved the question of the integrity of the Pacific possessions; but there was still another—a closer question, to which he knew the heart of Pennsylvania would respond—it was the question of protection, which in her strength she had always shown herself willing to throw over the weak. If the Pacific possessions should be threatened by a hostile fleet, the government would have no navy to interpose for their protection; and if that hostile fleet belonged to such a power as England or France, it would take all the navy of the United States to keep a road open which would cross either of the isthmuses of this continent. And while the navy of the United States was thus employed, what would be more easy than for such a maritime power as either of these to strike at those possessions, and rend them from these States even to the extent of the gold regions which lay behind the coast. If, then, as a purely military question, it should become necessary to have an intercommunication, so that the government's munitions of war and men could be thrown upon the Pacific for its defence, the application of the war power of the government in this case would be within the strict limits of the constitution. (Enthusiastic applause.) But if it could be shown, and he always held his opinion open to correction from any quarter, that these means were not required, were not necessary—and by necessary he meant absolutely required—then he would say, show the other means which would answer as a and as a strict-construction democrat he would accept the proposition. (Applause.) Under every ingenious construction which had been placed upon the various powers of the government—under every ramification which ingenuity had suggested to supply that deficiency of intercommunication—in vain had it been attempted to be shown him how the military power of this government, which consisted in the sinews and strong heart of its citizens, could be used on the slope of the Pacific, unless there was a railroad to

transmit it. (Applause.) If, then, it could be done, and if that hazard existed on that ocean, he would say that the rest followed as a consequence—the smoke of Pennsylvania coal might be seen on the desert waste, beneath the cloud-capped mountains, and Pennsylvania iron, with the very stamp of her own foundries upon it, might be seen creeping in a long, serpentine track to the slopes of the Pacific. (Applause.)

It was not alone in her connexion with these great works that Pennsylvania's mineral resources were to be united. She is the great agricultural State of the Union. Her manufactures, with their concentrated power, wielding political influence, have attracted attention greater than that which belonged to her agricultural interest; yet her agricultural was many times more important than her mineral interest. Nay—more; she had a commercial interest which exceeded both her mineral and manufacturing interests.

And there was something which seemed to him ought to be peculiarly proud to the heart of Pennsylvania when she looked back to the land from whence her people sprung, and saw upon her own broad bosom those crops which could feed them in the year of famine, and she might not only welcome them with open portals to a land of refuge, but of support. (Applause.)

He felt that the occasion was not one to wander into those broad themes of discussion. He had trespassed too much already.

John C. Casey[1] *to Jefferson Davis.*

(Library of Congress. Manuscripts Division.)

Lebanon Pa.
July 17th 1853

Dear Sir,

Immediately after my interview with you in Washton I wrote to Gen. Twiggs. His reply I now send to you *unofficially,* with the request that you will please to read & return it.

I invite your attention to the last line in this letter and hope that the General may be mistaken; as I paid over to Blake about $69,000—, and if he (& his partners) kept it all, a very large deduction will have been made from the original amount applicable to the business. ($200,000)

Letters from Ft Myer dated June 27th inform me that the Indians had bro't in one of the runaway negroes, but had not yet seen the other two. No doubt they will soon be in, if not already found. I am also informed that some of the Indians

[1] Was graduated at West Point in class of 1829, died in 1856.

already talk of emigrating under my direction, but attach very little credit to it. After hearing from Mr. Walbridge I shall advise with more confidence of the state of feeling among the Indians.

Meantime no great confidence is to be placed in any promises until they offer to place hostages in my hands, *and do so.*

If the money now in Genl. Blake's hands is not to be available, I shall soon require some funds to be remitted to Lieut. Walbridge at Fort Myer.

My health is a little better than it was in Wash. Hoping that your visit to the North has dispersed your neuralgic pains.

I am Very truly Yr obedt servt

JOHN C. CASEY

Hon. Jeff. Davis
Wash. City
[Addressed:
unofficial
Hon. Jeff[n] Davis
Sec. War
Indorsed: July 17,1853.
Cap Casey
Returned Twiggs'
letter to him July 23—]

Speech of Jefferson Davis at the Crystal Palace Banquet in New York.

(From the Union Washington, July 20, 1853.)

(Introducing Mr. Davis, the master of ceremonies, Mr. Sedgwick, said: Gentlemen, let me call your attention to the fact that the President comes not alone. There is a gentleman present who now wears a civilian's dress, who, with an epaulet upon his shoulder, under the flag of his country, in days of toil and nights of danger, has won imperishable honors. (Great applause.) I give you—Colonel Jefferson Davis.)

Colonel Davis responded as follows:

Sir: I thank you from the bottom of my heart for the very kind language you have been pleased to employ towards me, and you, gentlemen, for the generous manner in which you have responded to it. It is true that I have marched beneath that striped and starred banner of our country. It is true

that the warmest feelings of my heart always gather about it. From boyhood to mature life it was my fortune to serve beneath that banner, and to watch it as it waved from the morning to the setting sun, sometimes to mark the frowning battlement, sometimes to direct the toilsome march, but all times to be loved as the insignia of our States united, and revered as the flag for which my father fought in the revolutionary war. (Applause.) It has been my fortune to see it in peace, and it has been my fortune to see it in triumph; yet there was an occasion when, in the hour of its direst trial, I watched it with more intense interest than belongs to the happy repose of peace or the glorious exultation of victory. It was at a moment when the clouds of smoke and dust had covered it, and I looked for it with doubt and dread of defeat. The intervening space and a powerful foe rendered it impossible for those with whom I stood to give relief, and then, with almost breathless anxiety, and the affections all quickened by the fear of misfortune, I strained my eyes to see where that flag of my country was. For a while all was darkness, but at last the cloud rolled away, a gust of wind dispersed the smoke and dust, and as they passed off, that same breeze unfolded, in all their length and brightness, the stripes and stars of the flag of my country as it rose in triumph, and threw its shadow on that which was now sunk to the earth. (Applause.) It was not that I gloried in the downfall of another flag. No; but there was a national collision and strife. I could feel no glory in the downfall of another, save as it belonged to the triumph of my country. (Applause.) My triumph did not arise from the misfortune of another. (Applause.)

By, my friends, perhaps it may seem that with such an introduction as this I am not appropriately here. Perhaps it may seem that one who is introduced to you by the title of Secretary of War has no business to speak at this banquet to the arts of peace. But is it so? Is it true that the soldier is prone to war, or is the reverse the fact? I say the latter, and for this reason: The soldier, in the study of his profession, learns the reality of war. He learns how much is to be sacrificed. He calculates the days and nights he must sit down before the fortification if he besieges it; he calculates the number of his comrades who must fall before success is his; and if he has had experience, he remembers the mangled forms of his friends, he remembers the wail of the widow, the destitution of the orphan, the sorrow of the bereaved parent, the crushed hopes which clustered around many a manly breast

which will throb no more with the aspirations of genius or the devotion of patriotism; and those things bring to the veteran soldier the warmest desire for the preservation of the peace of his country. (Applause.) Then, my friends, I can say that I most cordially rejoice in the manifestations around me, which seem to indicate an increase of the fraternity of nations. For such must be the effect of bringing together men from every quarter of the civilized globe to compare with each other what each has been doing for the advancement of science, what each has contributed to the increased comfort of man. These are contributors to that bond of peace which will hold men together as one brotherhood, and lead them to make this earth what it was designed to be—the home of man in his blessed estate. (Applause.) This earth was given to man for his dominion. It has been perverted from the great object of the Creator by vice and ignorance of man, who, warring one with another, have forced nations to employ their industry upon things not adapted to their condition, climate, and soil, at the sacrifice of all the loss of time and productiveness which belonged to this want of adaptation. (Applause.) Throw open the ports of all the world. (Great cheering.) Let the civilized nations represented here declare that we are one brotherhood, and that whatever can be produced more cheaply in another country shall be brought thence. (Applause.) Thus will we have a bond of peace that it will not be in the power of unwise rulers ever to break. (Applause.) Thus will we have contributed to the comfort, the cultivation, and the happiness of the human family. You, of New York, for instance, because belonging to this union of States, have entire free trade with all the States of the Union. That is to you a great blessing.

But suppose that you had free trade with all the civilized nations of the world, would not your advantages be magnified in the same degree that the value of the productions exchanged would be increased? I hold, then, Mr. Chairman, without intending to broach any of my political opinions, which, unfortunately for me, have some more notoriety than I have reason to suppose they enjoy of approbation—without intending to trench upon the opposite opinions of any one, which would ill become my position on this occasion—I do believe the sun of truth has risen upon the globe, which will, in time, lead man to see that he has been groping in the dark, and that it is for his comfort, and for the peace and salvation of the civilized earth, that there should be untrammelled, unbroken free trade. (Applause.) Look to the early history of our country—to

those men whose names are never mentioned save with veneration—there you find that this is no new theory. It was the creed of some of the wisest and best of the sages who founded our republic.

It was the aspiration of Franklin when, in the midst of the jealousies and difficulties of our colonial condition, he prayed that trade between the colonies should be free as between the counties of England. We have made it so by our constitutional Union. Free trade was a cornerstone in the foundation of our political temple. It was placed there by the hands of sages, philosophers, and patriot soldiers, who have left behind them a fame higher than the achievements of learning or the glories of the battlefield could confer—the fame of being radically good, of that virtuous, disinterested service without which glory is but a tavern song. Custom-houses have swept away on the borders of the States. And has it not redounded to the benefit of the American people? This lesson may receive most readily its application and illustration here in the great commercial emporium of our country. If it is true for the civilized world, as it is true for the once colonies, but now the States of the Union, then clearly New York would be benefited by free trade with all the world. New York, more than, perhaps, any other city of our nation, has had experience which would bring her to wisdom upon this subject; and therefore, perhaps, it is that in New York, where I have been, though myself unobserved, a close observer, I have found those opinions in relation to trade to be prevalent.

But, Mr. Chairman and gentlemen, I feel the impropriety of having extended my remarks thus far, though the subject be one which the place and attendant circumstances could not fail to suggest, and I can only offer you as an excuse for my trespass upon your time the excitement of the scene in the midst of which your kindness has placed me. It is our good fortune now to be thirty-one States, united, with a territory stretching from the Mississippi valley to the Pacific ocean. We have gone on increasing in territory, in strength, in wealth, and, above all, in the application of means for the conquest of mind over matter, with a rapidity which has had no precedent. But we have only commenced. We have but gone thus far to see what is beyond. We have not reached the culminating point of our national destiny. Our country is not yet in the vigor of manhood, but only in its youth.

We have yet great problems, physical and political, to solve. We have, in that controversy to which I referred—that con-

test between mind and matter—yet to apply all which science can bring to remove obstacles from our path. I refer now to those politico-physical difficulties which separate the Atlantic slope and the valley of the Mississippi from our Pacific possessions. They are separated by a ridge of mountains, a large portion of which is covered with perennial snow. The population of one portion now reaches the other by passing through a foreign country. Will this continue? No, no! To remain united, we must provide the means to bring them more closely together—both as regards time and facility of transportation. The Pacific slope cannot remain permanently in this Union unless such obstacles are removed, any more than these colonies could remain connected with the mother country, with the broad Atlantic to divide, and the slow ships of that day to connect them. Not that blood is to flow or revolution ensue; wise men will seek what it is necessary to do to facilitate the intercourse between the different portions of the nation, and thus to avert the future necessity for political separation. We shall be untrue to the great principles which our fathers bequeathed as a legacy to us if we should attempt to bind our Union together by other than the bonds of fraternity and common interest, or forget that government rests on the consent of the governed. To fulfil our mission, to discharge our duty in the manner appropriate to it, it is necessary to provide the means of intercourse. How is it to be done? The old States are separated from the new-born States on the Pacific by a wide territory—a mountainous district now possessed by roaming bands of Indians.

But still greater difficulties exist in the sterile plains, which can never be crossed until science shall produce the means which shall render them not only passable but fertile. The public generally have been considering the means of crossing the mountains; they skipped the desert;; and yet, I venture to assert, there is not a mountain region of this continent that cannot be more easily crossed by roads than the sterile plains which lie near to the mountains. Still, they may be made passable. We may find the dip and the elevation of stone, and may pierce it and bring water to the surface. We shall find new modes of crossing the mountains. Science, with the energy of our people, will find a way across the desert and over the mountains, and we shall solve the problem which history has heretofore taught us to believe must remain unsolved. (Applause.) That problem is to give to the people on opposite sides of snow-covered mountains a common interest, a common

feeling, and, with their own consent, to unite under one government all countries which the hand of Nature had divided by barriers to ruder man commercially impassable. If this hope—may I not say expectation—should be realized, that progress of civilization and of art which you have assembled to commemorate and promote will have achieved a triumph in the science of government of which you, the great contributors to physical science in its application to art, may be justly proud as the addition of a new element in the peaceful connexion and extended brotherhood of man.

But I have trespassed too long; and while I am in that embarrassing position of one who has touched a subject without entering into it, and who has probably failed to make himself understood, it is due to politeness and to you that I should not trespass any further upon your time, but to leave the subject for some other occasion, when I may perhaps deem it necessary to discuss it. (Applause.)

Jefferson Davis to Montgomery C. Meigs.

(From Letter Books Secretary of War Old Records Division, War Department.)

War Department
Washington July 22d, 1853

Captain M. C. Meigs,
in charge of Capitol Extension,
Washington City.

Sir

I have received your letter of the 21' inst. stating that a committee of bricklayers had informed you in an interview that morning that they had formed a society and resolved not to work with men who did not belong to it.

It is obvious that the resolution thus communicated to you, is not intended simply to prevent members of the society from working with others, but that its ulterior object is to compel the Government to employ the members of the society and them only.

The Department feels it a duty to resist a movement so improper in itself, and so injurious to the public interests. If, therefore, the society, after due notice, persists in its resolutions, you will employ none of its members in any capacity, on the works under your charge, but take prompt measures to procure competent mechanics from other places, if enough

cannot be found here; and in case of any deficiency of work hereafter those whom you may invite from a distance should have the preference.

Very respectfully Your Obt Serv
JEFFR. DAVIS
Secretary of War.

Jefferson Davis's Speech at Newark, N. J.

(From the DAILY UNION, Washington, D. C., July 23, 1853.)

(The following is the speech made by the Hon. Jefferson Davis at Newark, N. J., when he was making a journey to New York with the President and other members of the cabinet.)

Secretary Davis was called upon and said:

It is a great satisfaction to me, an entire stranger, without the smallest claim to your consideration, to be thus welcomed by the descendants of those who fought on this consecrated spot. To be thus received upon the sacred soil of New Jersey, with all the pleasing associations clustering around my heart, I come from the glorious battlefields I have travelled over to-day, to the gratifying recognition with which you honor me. We came, my friends, upon so short a notice, that though we knew the warm hearts of Jerseymen, we were surprised to meet with such a reception as that which has greeted us. In this land so filled with the memories of our national birth, it might be well that every American would feel himself at home; but it would not equally follow that you, to whom these localities are familiarized by the affairs of everyday life, would be prompted by them to hail every American as a brother. And yet it is in just keeping with the magnanimity and devotion of your fathers that such hospitality and generosity should be exhibited by their sons. Nor does it seem to me that the brotherhood should be less binding and perpetual because we are the citizens of sovereign States, united by the free consent of our fathers, for special objects enumerated by them. As the inheritors of their individuality and self-reliance, as the maintainers of the great principles of self-government which they promulgated, such circumstances seem best calculated to insure content and to cultivate fraternity. Though we have many States in our Union, we have but one history, one pride, one destiny.

When I saw that old Continental uniform of our fathers, I

felt that I was among the men who stood shoulder to shoulder with the freemen of other colonies, when with bleeding feet they marked the frozen paths which led them to fields of glory and victory. (Applause.) And as I looked out upon that vast assembly, I thought—to use the western man's standard—"there is a square section of people." Like the western man, my mind ran on, and I said, if we should ever have a war, how I should like to have a floating right to lay upon that section with the power to associate it with another from my own State. (Great applause.) But it is not only in your ancient history that you have cause of just gratification and pride. You have well preserved your rich inheritance, and wisely developed the resources which your fathers left you. The marsh has risen to cultivated land, the mountain has bowed down to bear along the trains of commerce, the anvil, the workshop, the plough, and the wave have become contributors to your comfort and prosperity. So fully have you triumphed over all the difficulties which lay in your way, that to-day it seems that Nature labored to fit all things for your use. Science has trodden your seemingly barren hills, and revealed your hidden treasures. Ores of rare value have been brought to light, and some have been discovered which were not heretofore known to exist in the United States, contributing both to ornamental and sanitary purposes. These, my fellow-citizens, are your own achievements, and they are worthy of the deeds of your glorious forefathers. What now has become of the haughty threat which but a short time before the declaration of independence by the American colonies proclaimed that not a hobnail should be manufactured among them? I stand here in the midst of men sovereigns by their birth-right, princes in merit, princes in fortune, and such they have become by the manufacturing interests of the town of Newark. (Applause.) These are developments which are worthy of your country and of your honorable lineage. That they are so considered by the Chief Magistrate of our country is evinced by his present journey. We are on our way to see American industry and inventive genius compared with that of the Old World—to see the progress of American mind in its contest with matter. My friends, are we to learn from Europe how we are to make all our implements? Nay, they come here to learn from us; they come with their chairman selected; they come to search through the results of American industry to find how much they could gather to benefit the manufacturing interests of their own land. (Applause.) These are all grati-

fying facts, for I am an American (great applause) and encouraged by your special kindness to speak of myself, I may say I too am of revolutionary descent, inheriting with the privileges secured by our revolution the principles which led to that great struggle for representative liberty, I have held the constitution as the means of securing the end for which our Union was established—self-government of the people, fraternity, and equality of the States. I have believed the means adapted to the end, and held the end paramount to all other considerations. As equal sovereigns the States entered into the Union; they surrendered certain functions of sovereignty for the benefit of all, for the protection of all, for the injury of none. Results have shown the wisdom of those who laid the foundation of our confederacy; and a strict observance of the objects for which it was established, a strict application of the means which were conceded, will never render less that desire of alliance which caused the formation of our Union. To pervert the means from their legitimate end, to lose sight of the controlling motive, would be to destroy the cause of that effect, which is our blessing and our pride. It is because of the zeal with which I have contended for that glorious cause that false impressions have been created in regard to my efforts and aims. I am a State-rights man, and God forbid that any of you should not be. (Applause and three cheers for State rights.)

Such are my own convictions: for I hold that, as long as we cling closely to those great principles which are written in the constitution, this Union may go on expanding wider and wider until its great temple reaches not only from sea to sea, but from pole to pole.

When our institutions were established, and the great principles of our government proclaimed to mankind, a little constellation graced our flag, and its rays but feebly penetrated the political darkness which surrounded it. Shining by its inherent light, its lustre has increased; star after star has been attracted to the constellation, until its rays are world-wide, and now, wherever man raises his hand in the cause of free-government, its light illumines his path, cheering and directing him on to the goal of constitutional liberty.

But my friends, I am no propagandist. I prefer that wise policy which preserves us from entangling alliances, and thank the fortune that has removed us far from controversies about the national balance of power We have within our borders room for all our energy, and more than room for our popula-

tion. War is to us necessarily a tax; our principles are opposed to expansion by conquest, and we have reason to believe our government is sufficiently attractive to gather around it, from time to time, increments which will adhere by natural or voluntary cohesion. War, then, with us must be a necessity, not a policy. But, though peace is our policy, and I trust our destiny, there are greater evils than war; and among those greater evils than war, is allowing our flag to become the object of insult and defiance, and its stars to be so dimmed with the dust of unmanly inactivity, that he who appeals to it for protection, and proclaims himself an American citizen, shall be derided as one who called upon an empty name, and in violation of the rights secured to him by treaty, and almost in sight of the shores of his own country, for the love he bore the liberty of which it was the brightest example, be executed as a pirate. (Tremendous applause.)

When I read the inaugural of the President, (it was not my good fortune to hear it delivered) when I saw the declaration that the flag of our Union should protect an American citizen wherever he went—(tremendous applause)—I felt that the sentiment was worthy of the patriot who uttered it, becoming the power of the people for whom he spoke, and required by the history of recent events. I hailed it as a declaration which would give security to Americans abroad; and well assured as I was that it would be manfully maintained, with pride and gratification I thought of the respect which would follow the annunciation, "I am an American," and compared it with that which attached of old to the cry, "I am a Roman citizen."

Why should not the name command equal respect? Does the American represent less of power or civilization than the Roman? At the hazard of being accused of that which is called Americanism, I will say that I have not considered our name one which was to be raised by declaring it equal to any standard, ancient or modern; nor have I been willing to admit that my countrymen borrowed distinction by claiming descent from any other people.

We are not Anglo-Saxons, nor Anglo Normans, and should acknowledge no more remote source than our nation's birth. The founders of our own name and fame had enough of fortitude, of culture, and of true nobility, to be a standard for their sons, and it best becomes our history and political creed to emulate their virtues and noble deeds. Be it ours to adorn, enlarge, to maintain the temple they founded for us, and to

keep it sacred to the uses to which it was dedicated! (Applause and cheers.)

R. W. McDougall to Jefferson Davis.

(From Library of Congress. Manuscripts Division.)

New York, July 25, 1853.

Hon. Jefferson Davis

Sir,

I wish to place you in possession of all the result of my exploration of the rivers and mines in South America and beg to present you with a copy of the New York Tribune, it may be considdered by you Malappropos to publish it in an Abolition paper, but to say truth they are obliging. I offered my Correspondence to several Democratic papers but they could not find room for it. I desire you therefore to excuse My sending you a Tribune.

I would also state that I am a candidate for the Appointment of Consul to Buenos Ayers and from my knowledge of the country I think I am qualified for the post. I would solisit your kind endeavors in my behalf, I am Recommended by all the State officers in New York The whole Democratic portion of the Senate & 56 Members of the Assembly besides various leading Merchants of New York City, I remain your devoted friend,

R. W. McDougall

[Indorsed: New York July 25. '53,
R. W. McDougall
Encloses copy of Tribune
Containing results of his
Explorations of the rivers
& mines in So. America
Wishes to go to Buenos Ayres as Consul]

Jefferson Davis and the Pacific Railway.

(From the UNION: Washington, July 31, 1853.)

The most marked and interesting feature in the late exodus of the President and his cabinet, was the declaration of Col. Jefferson Davis and one or two of his colleagues, made with silent assent of the President, in favor of the construction,

by the resources of the federal government, of a great railway to the Pacific, binding together with hooks of steel and the power of steam, the Atlantic and Pacific States of our Union. It has caused a moving of the political waters, where before the stillness and unbroken solitude of the Dead Sea reigned supreme. Aside from the great importance and magnitude of the subject itself, and the grand and magnificent results which are to flow from so gigantic a work, the fact that its projection should have been adopted as a part of the policy of Gen. Pierce, and been first avowed by the most straight-laced constructionist member of his cabinet, has given to it an interest, and excited a degree of remark, which but few questions of the present day have done.

The position and views of Col. Davis upon this question are best expressed in the language in which his speech was originally reported: "Within the limits of the State (said he) they would touch nothing; and he spoke not for himself alone, but for his honored chief."

"He said that he was a strict constructionist; but he had also mocked the idea that the constitution had one construction within the limits of the United States, and another outside of them. He had always mocked the idea that this government could build a road outside of the United States, and could not build one within it. There was another question, which involved the question of the integrity of the Pacific possessions; another, closer question, to which he knew the heart of Pennsylvania would respond—it was the question of protection, which, in her strength she had always shown herself willing to throw over the weak. If the Pacific possessions should be threatened by a hostile fleet, the government would have no navy there to interpose for their protection; and if that hostile fleet belonged to such hostile power as England or France, it would take all the navy of the United States to keep a road open which would cross either of the isthmuses of this continent. And while the navy of the United States was thus employed, what would be more easy than for such maritime power as either of these to strike at those possessions and rend them from the States, even to the extent of the gold regions which lie behind the coast? If then, as a purely military question, it should become necessary to have an intercommunication, so that the government's munitions of war and men could be thrown upon the Pacific for its defence, the application of the war power of the government to this case would be within the strict limits of the constitution. But if it could be shown

(and he always held his opinion open to conviction from any quarter) that these means were not required, were not necessary—and by necessary he meant absolutely required—then he would say, show the other means which would answer as a substitute, and, as a strict-construction democrat, he would accept the proposition.

"Under every ingenious construction which had been placed upon the various powers of the government, under every ramification which ingenuity had suggested to supply that deficiency of intercommunication, in vain had it been attempted to be shown him how the military power of this government, which consisted in the sinews and strong hearts of its citizens, could be used on the slope of the Pacific, unless there was a railroad to transmit it. If, then, it could be done, and if that hazard existed on that occasion, he would say that the rest followed as a consequence. The smoke of Pennsylvania coal might be seen on the desert waste, beneath the cloud-capped mountains, and Pennsylvania iron, with the very stamp of her own foundries upon it, might be seen creeping in a long serpentine track to the slopes of the Pacific."

Such are the views of Col. Davis, and such may be regarded as the views of the administration, of which he is so distinguished and honored a member. It may be regarded as fully committed to the great work of constructing by the resources of the federal government, either of land or money, a railroad to the Pacific, putting in quick and easy intercommunication the citizens of the eastern and western slopes of the Rocky mountains, and affording in time of war the only sure and safe means of successfully defending our California possessions. It becomes, therefore, a question of deep interest and importance to the democratic party as affecting its principle and future policy. This is evinced by fact that the democratic press, with scarcely an exception, have observed the greatest caution in taking position upon the scheme of Secretary Davis, and the views presented by him in its support. This was wise and prudent; but sufficient time has now elapsed to afford the amplest opportunity of weighing the question in all its bearings, present and future, and I think it the duty of the democratic press to speak out in regard to its merits, and give proper direction to public sentiment, and proper encouragement to the administration which looks to the press for support and encouragement in any and all great crises.

For myself, I can see nothing in the scheme and views of Col. Davis which are new or startling in their character, and

nothing which should cause doubt or hesitancy in the midst of the straightest-laced republican in the Union. The very fact that Col. Davis, leads is sufficient evidence to satisfy the most scrupulous partisan that he can follow with entire consistency and the strictest regard for the constitution. Col. Davis has broached no new principle; he proposes to ingraft no new feature into the democratic creed; he offers no innovation upon its established principles and policy. True it is that the democratic party has uniformly been opposed to a general system of internal government as advocated by the federal whig party for the last half century. They have opposed all innovation upon the rights of the States and the duty of the States in reference to their internal affairs, believing that they alone are fully competent to any work called for by their interest or the necessities of the times. They have denied to the federal government the power claimed for it by the whig party to construct roads and canals in any and all parts of the country merely upon the pretext of "regulating trade," "facilitating commerce," and providing for the "general welfare"—a claim of power which would embrace everything within the discretion of Congress, subvert the constitution of the country, and destroy the sovereignty and individuality of the States. Of this character have been nearly all the works of internal improvement heretofore embraced in the policy of the whig party, and opposed by the democratic party. Such was the Maysville and other roads which received the deadly stroke of Gen. Jackson during his brilliant administration, and such were the objects of most of the appropriations embraced in the bill timely vetoed by Mr. Polk towards the close of his presidential—not less brilliant-term. But it is not true, as maintained by the whig party, that the democratic party ever opposed the construction of military roads, or anything else necessary and proper for the defence of the country. They are emphatically the war party. Beyond this safe ground Col. Davis does not go, and beyond this the present administration will not go. The policy of the whig party has always been governed by considerations of *expediency* that of the democratic party by considerations of *necessity*. The one has taken for its guide the uncontrolled will of Congress—the other has always recognized the constitution as the governing law. Hence the radical difference between the two parties upon all questions of federal power, and especially that of internal improvement. The whigs have been led, by their latitudinous views, to ad-

vocate all sorts of improvements within the States—the democrats, by their views of strict construction, have been led to confine the exercise of this power to objects of a national and necessary character. Gen. Jackson, in vetoing the Maysville and Rockville road bills, declared that he was not opposed to any work of a national and defensive character; and Col. Davis expressly declares that if it can be shown that a railway to the Pacific "be not *required*, be not *necessary*—and by necessary he meant *absolutely required*—then he would say, show the other means which would answer as a substitute, and, as a strict-construction democrat, he would accept the proposition." So says the writer of this article. There is but one ground upon which the democratic party can consistently advocate the proposition of a railway to the Pacific, and that is the ground on which Col. Davis places it in his speech—namely, as a necessary—absolutely necessary—means of defence in time of war. On any other ground it is clearly unconstitutional, and opposed to the uniform policy of the democratic party. That it is required for the "*common defence*" is manifest from the slightest reflection. Our California possessions are separated from us by an immense desert waste of country, inhabited and in the nature of things can be inhabited for long years to come, only by the savage and wild beast of the forest. The gold mines of our Pacific possessions, no less than their great commercial and political advantages, make them a tempting prize to the cupidity and grasping ambition of the great powers of Europe, especially when to our republican example may be traced the assaults now being made upon their forms of governments. If any one of the great naval powers of the world were to determine to seize upon California, where would be our means of defence? It would require months to transport the requisite armaments across the Rocky mountains, and it could only be accomplished at immense sacrifice of men, money, and property. It would require the whole of our navy to keep open water communication by way of the isthmuses; so that, under the most favorable circumstances, our Pacific possessions would be at the mercy of a powerful enemy in time of war. No other part of our immense country presents an anomaly of this sort. From the Sabine to the St. Lawrence, from the Atlantic seashore to the base of the Rocky mountains, the best and most rapid means of communication are afforded and by which, in a few days, and at a moment's warning, the amplest means of defence and offence could be concentrated. Not so in regard

to California. A railroad extending from the valley of the Mississippi to the Pacific is the only means by which that part of our possessions can be defended and made secure. This great work is beyond the means and province of private enterprise, and, in a military point of view, claims the patronage and superintendence of the federal government, under that clause of the constitution empowering Congress to provide the "*common defence*" of the country.

Upon which principles this great work is to be commenced and conducted may be appropriately and safely left to the wisdom of General Pierce and his cabinet, aided and sustained by an enlightened congress. The public lands through which the road will necessarily pass will doubtless enter into the plan, and afford the greater part of the means necessary for the accomplishment of the great enterprise. This would prevent a too heavy drain upon the treasury of the country, and an unnecessary derangement of its finances. The work, too, when completed, will doubtless be surrendered, upon proper conditions and restrictions, to the management of the States through whose territory the greater part of it will pass, and by this means avoid one of the strongest objections ever urged to a national work of this character—namely, its liability to produce a collision between the States and the federal government.

Commenced and executed upon these or similar principles, this great work will form one of the proudest epochs in our country's brilliant history, and will lend to the administration of General Pierce, even were it to stand alone as its only worthy measure, a lustre as fadeless as its results will be permanent and glorious.

OLD VIRGINIA.

Speech of Jefferson Davis at Hartford, Conn.

(From the UNION, Washington, Saturday, September 10, 1853.)

Mr. Davis, Secretary of War. left Hartford on Monday afternoon. He partook of a public dinner at the City Hotel. Mayor Hammersley welcomed him to the city and State in a felicitous speech, concluding with a toast for the health of the President and cabinet. When the cheering had subsided, Colonel Davis responded in a speech which was received with hearty enthusiasm, and of which we find a short account in the Hartford Times:

"He spoke of his own political position as a State-rights man, claiming that State sovereignty was essential to true republicanism. In joining the confederacy, and subsequently entering into a more complete and lasting union, did Connecticut surrender her State sovereignty? Would she to-day give up her well-established rights as a State? Every son of Connecticut will respond with a hearty No! and this makes him a State-rights man at heart, whatever his profession may be. The State-rights men of the South are friends of the Union, and they are fast friends of that great principle of State sovereignty which alone can sustain and perpetuate it. Mr. Davis alluded to his visit North. Seventeen years ago, then quite a young man, he passed through New England. Since then there have been marked changes here. The ingenuity of man has set in motion complicated machinery which seems to be endowed with reason. It passes forward and back, transversely, slowly, swiftly, as the nature of its work requires. Its cuts hard steel and iron as the joiner's plane shaves the soft pine. These machines, sir, (turning to Colonel Colt) which we have seen to-day, are wonderful to us of the South and West—really wonderful, sir. They are surprising results of remarkable ingenuity. Your repeating pistols, made in Hartford, are relied upon on the borders of Texas to protect the men and women of that State from Indian depredations. Northern manufactures are used by Southern families. These are all the sure bonds of union. The marks of prosperity and happiness are all over New England. The change in seventeen years has been very great. But in looking at these results of ingenuity and industry he turned with great pleasure to the men of New England. Above all, he appreciated them. They were warm-hearted, cordial, hospitable, intelligent. And in viewing New England as a whole, he was tempted to say 'here let my home be.' He thought that there was not personal intercourse enough between the North and the South. We should be better acquainted, and understand each other better. Surely the result would be a happy one."

Mr. Davis was frequently interrupted with applause, and his brief, though feeling and eloquent speech, will long be remembered and cherished by all who had the pleasure of hearing it. In conclusion, he gave——

"The health and prosperity of old Connecticut, whose sons are found in every State in the Union." (Cheers.)

Joel H. Berry and T. C. Hindman, Jr., to Jefferson Davis.

(From Library of Congress. Manuscripts Division.)

Ripley,—Tippah county,—Miss.—Sept. 10th.—'53.

Hon. Jefferson Davis,—
Washington,—D. C.—

Dear Sir:—

As you will learn from the accompanying communication, signed by ourselves and others, Gov. H. S. Foote, at Molino in this county, on to-day, publicly asserted, "So help me God Jefferson Davis received what is called constructive mileage at the Special Session of 1849! I am able to establish this and will do so.—If I do not, I pledge myself to quit the Senatorial canvass!" Gov. Foote also declared that he would issue a printed circular, setting forth the facts in the case,—and showing conclusively that you drew the constructive mileage as he stated.—Mr. Hindman, in reply, denied the truth of Gov. Foote's assertion as to yourself, and read a statement in disproof of it, dated "Washington, Aug. 18, 1853,"—and signed "C. T. Jones, Acting Register." Gov. Foote responded objecting to the validity of the Acting Register's statement on the ground that it was not under seal, to which Mr. Hindman replied that Gov. Foote's oral declarations, with the blasphemous "So help me God!!" annexed, were not "*under seal*" either.—And here, for the present, this matter rests.—

We are both Legislative candidates,—Mr. Berry for the Senate,—Mr. Hindman for the Lower House,—and having accepted the issue in the premises tendered by Gov. Foote, we feel it incumbent on us to establish by indubitable evidence the truth of our joint position on the subject.—Therefore we request you to forward to us the printed volumes of "Receipts and Expenditures" from the time you entered the Senate to the date of your resignation in 1851.—Also we desire to have the official statement of the Secretary of the Senate, "under seal," with similarly authenticated statements from every officer connected with the subject-matter, showing the amounts and dates of all payments of mileage (both "constructive" and regular) made to you as Senator.—Let there be no room whatever for quibbling or evasion (on the part of Gov. Foote and his defenders,)—as to the exact import of the documents desired, and no ground of objection as to the legal weight of the statements.—

In conclusion, we express the belief (founded on actual observation) that this matter will control and decide the canvass so far as Tippah is concerned,—and therefore we urgently request that the documents mentioned be forwarded without the delay of an hour unnecessarily.—

We have the honor to be, as heretofore,
Your friends and ob't svts.
JOEL H. BERRY
T. C. Hindman, jr.

P. S.—Mr. Hindman mentions the fact (as probably of interest) that at Hamilton's Precinct, in this county, on the 8th. inst. Gov. Foote emphatically declared that he would not ratify the appointment of Gen'l. Dix, if re-elected to the Senate,—indulging in bitter strictures on Gen'l. Dix's past position as to slavery, and attributing the blame of the appointment to the Secretary of War,—while he exonerated the President from culpability.—

Jefferson Davis to Hon. J. J. McRae.[1]

(From Mississippi Department of Archives and History.)

Washington D. C.
17th Sept. 1853

Hon. J. J. McRae,

My dear Sir,

Mr. Nicholson of the Union has promised to attend to the case suggested in yours of the 21st Ulto. I gave our friend A. G. Haley a letter of introduction to him and if he chooses Haley will assist him in this matter.

We have followed you in your toilsome campaign with our ardent hopes and best wishes. The Presdt. has several times spoken of you in terms of special consideration both before and since your nomination for Govr. Before that event you were

[1] McRae, John Jones (1810-1868), a political leader, was born in North Carolina, January 10, 1815, removed with his parents to Mississippi, graduated at Miami university in 1829, and subsequently studied law. He was a member of the State House of Representatives, 1848-1850, speaker in 1850; filled the vacancy in the U. S. Senate created by Jefferson Davis's resignation, from December 1, 1851, to February 19, 1852; was governor of Mississippi, 1854-1858; a member of the national House of Representatives from December 7, 1858, to January 12, 1861; and a representative in the Confederate Congress from February, 1862, to February, 1864. He removed to British Honduras in 1865, and died there, at Balize, May 10, 1868.

very generally looked upon here as the prominent candidate for the U. S. Senate. You have seen so much of the condition of the county canvasses that you can form a very close estimate of the probable complexion of our next Legislature and next delegation in Congress. These I have considered the only doubtful points in the canvass.

No election within my recollection has been more important than the approaching one. The administration will need at least as many true friends as it will have. Our state character is at stake both in the senatorial and Bond questions. Surely the fruit we have gathered by the disorganization of 1851 is sufficiently bitter to teach all the necessity for organization and the value of party allegiance.

When you can spare the time I would be glad to hear from you and to confer with you freely on all matters involving our common hopes and aims in this struggle of Democracy against its foes both open and insidious.

With true regard
Your friend
JEFFERSON DAVIS.

Jefferson Davis to P. H. Bell.[1]

(Letter Books Secretary of War Old Records Division, War Department.)

War Department
Washington Sept. 19, 1853

His Excellency P. H. Bell,
Governor of Texas,
Austin,
Texas.

Sir,

The duty of repressing hostilities among the Indian tribes, and of protecting frontier settlements from their depredations, is the most difficult one which the Army has now to perform; and no where has it been found more difficult than on the Western frontier of Texas. The vast extent of the country to be guarded, and the facility with which, when pressed, marauders pass into the neighboring Territory of Mexico, whither they cannot be pursued, and where they can form new plans of attack, secure from observation, render it impossible with the force at the disposal of this Department,

[1] Peter Hansbrough Bell, soldier, justice of the Supreme Court and governor of Texas, and Representative in Congress from that State.

or with any other bearing a reasonable proportion to that required in other parts of our country, to give that degree of security which seems to be expected by the Governor and citizens of the State.

Much of this difficulty could, in my judgment, be obviated by the Government of Texas. While the Indians have no Territory of their own, they have virtually a right to roam where they will, and the military force can only interpose when they assume the character of an enemy, a fact which, under the circumstances, it is frequently difficult to determine; until after outrage has been committed.

If, on the other hand, the Indians were limited to a defined territory, their presence elsewhere would be an offence, at once justifying the interposition of the military force which, in a great majority of the cases could prevent depredation and outrage without bloodshed. This policy has been pursued with perfect success by the Government of the United States, and, besides the certainty which it introduces into the relation between the Army and the Indians, it has been attended with other gratifying results.

If the Government of Texas would in imitation of this example, set aside a tract of land of sufficient extent on her Northern border, and would give jurisdiction over it to the United States, it is believed that the scattered tribes of Indians, in that State, could be gathered and concentrated there, and placed under such restraint as would enable this Department much more effectually to protect the citizens from savage depredations.

The removal of the Indians will also afford inducements for the settlement and cultivation of lands now occupied by them, or subject to their incursions, and, according to the experience in the United States, persons, who, in the present unsettled conditions of affairs, would hesitate to trust themselves within reach of roving bands, would not fear to settle on the very border of the Indian country.

If, in your judgment these views deserve the consideration of the Government of Texas; and, if the measure suggested be adopted, I am confident that mutual benefit will result, and the troops on your frontier can give all the support which would be required to enable the Indian Department to carry it into effect.

Very respectfully, Your Obt Serv
JEFFN DAVIS
Secretary of War.

Jefferson Davis to John C. Casey.

(From Letter Books Secretary of War Old Records Division, War Department.)

War Department
Washington Sept 21, 1853

Captain John C. Casey,
U. S. Army
Philadelphia
Pennsylvania.

Sir,

The task of peaceably removing the Florida Indians, having been again confided to you, you will, under the orders of this Department, take the entire direction of that responsible duty. Such assistants as are necessary will be detailed from the Army to aid you and act under your orders.

You will return to Florida at an early day and take post at Tampa, Fort Myers, or at any other point in South Florida that you may select.

Your first duty will be to secure, as far as possible, the confidence of these Indians in the government; and it is hoped that the long and confidential intercourse that you have had with them as an Agent of the government, may enable you soon to accomplish this necessary step. So soon as you have reestablished a free intercourse, you will endeavor to convince them of the hopelessness of any attempt to maintain themselves in Florida except as outlaws, and that hostilities offer no hope of any better condition for them. At the same time assure them that the government is prepared to offer them the most liberal terms. These terms you will explain to them fully and openly, and give them all possible security for the faithful performance of them. The testimony of the delegation from the West that you have selected, with your own pledge, can hardly fail to convince them that every promise made to them will be fulfilled.

Should they, or any part of them, consent to emigrate, you are authorised to pay them at the same rates as were paid to them in 1850 under the "Agreement" offered to them (and accepted by part) by not varying materially in expense from the present plan, seem more acceptable to the Indians, as an annuity &c &c, you will refer it to this Department.

All the expenses of your operations will be paid from the

appropriation for removing these Indians:—as expenses and transportation of yourself and Assistants—cost of rations that may be drawn from the Army &c &c.

You will require the officers disbursing funds on this duty to transmit their accounts to this Department through you, and you will make such remarks on the accounts as may be necessary to explain them fully and enable the Department to decide on them.

You will, of course, respect the laws of the State of Florida in your operations, and you will communicate freely with the authorities of that State on the progress of your duties.

Correspond directly with this Department on all matters connected with your Indian duties.

Very respectfully, Your Obt Serv—
JEFFN DAVIS
Secretary of War

Jefferson Davis to Rev. E. Welty.

(From Letter Books Secretary of War Old Records Division, War Department.)

War Department
Washington Sept 21, 1853.

Revd. E. Welty,
Harper's Ferry
Virginia,

Sir,

The President received and referred to this Department your letter of the 18' of August, complaining that an order has been recently made by the officer in charge of Harper's Ferry Armory "forbidding all but strangers to enter unless permission were obtained at head quarters," and that you cannot attend to the duties of your calling as a minister of the Methodist Episcopal Church while such an order exists, though I understand you to say that you have never asked permission, considering "the right thus prescribed" to be "imprescriptible."

In reply, I deem it proper to deny as explicitly as you assert it, your right to enter at all times into the public workshops, against the order of the officer lawfully in charge thereof, with a view to engage there in spiritual exercises or other private business, with persons employed in such establishments.

I have further to add that I do not perceive why you "cannot perform the duties of" your "calling during the existence

of such an order," unless you should be refused permission when you apply for it, in which case there might be a reason for an appeal to the President.

I am willing to believe that your course in the matter has been in pursuance of a desire to assert what you conceive to be a right, but I trust reflection will convince you that no such right exists, and that you will in future conform to a regulation which I am sure has been adopted only with a view to the public interest, and not again make any personal difficulty with the watchmen or police, who only do their duty in enforcing the rules.

Very respectfully, Your Obt Serv—
JEFFN DAVIS
Secretary of War

John Y. Mason to Jefferson Davis.

(From the Library of Congress. Manuscripts Division.)

Richmond Octr 2nd 1853.

My Dear Sir,

I had hoped to be able to see you in Washington to-morrow, but my physician advises me, I should incur much risk of a relapse, if in my present weak state, I should undertake such a journey leaving my sick room for the first time. The disease of which I have suffered is subdued, my blisters and burns are nearly healed, and with little care, I am assured of a full restoration to health in a few days.

I desire you will assure the President of my grateful appreciation of the kindness and confidence which prompted him to invite me, to engage in the public service in so important and responsible a position, as that to which he has called me. I shall accept it unconditionally, under a sense of duty, which never has permitted me, to refuse to serve my country.

Unexpectedly however as this call has come upon me, some little time is necessary to arrange my private affairs, for an absence from the Country of uncertain duration, and to fulfill official obligations, which I am under here. I hope however to be prepared to proceed on the Mission early in November;

I am aware of the Presidents anxiety, to have a representative of the United States in Paris, and wish that I could in justice to myself and others name an earlier day for my departure. The necessities of my situation however forbid it, and I trust the President will not be dissatisfied.

No consideration but the urgency of the occasion would reconcile me to leaving the U. S. on the eve of the meeting of the Senate. Under present circumstances however I will not hesitate, if the President requires my departure before the Senate can act on the nomination.

As soon as I am able to travel I will come to Washington and confer freely and unreservedly with the President and his Cabinet on the Subject of my duties abroad.[1] Thanking you my dear Sir for the kind terms of your Communications with me

I am with the highest
respect and esteem
Your Obt Sevt
J. Y. Mason

Hon. Jeff. Davis
&c &c &c.
Washington City,
D. C.

[Indorsed: Hon. J. Y. Mason; also: Jno. Y. Mason]

Letters of the Hon. Jefferson Davis.

(From the Union, Washington, October 13, 1853.)

The following correspondence which we copy from the *Sentinel* of yesterday morning, and the publication of which appears to have been occasioned by an editorial statement in that journal, will be read with interest. We transfer it to our columns with pleasure, as giving still further proof—of what is already too manifest for any possibility of doubt—that the President and his cabinet advisers are united as one man in a cordial approval of the policy of the administration, and the view of the united democracy on which it is founded:

From the Washington Sentinel of yesterday.

Hon. Jefferson Davis.

Our readers will remember that in our issue of Saturday we corrected certain rumors as to the views of the Secretary of War relative to the New York difficulties, and his feelings toward the prominent men engaged in them. We used these words:

"We have heard it confidently stated that Hon. Jefferson Davis has made expressions hostile to Messrs. Bronson & O'Conor, and in favor of the free-soil faction in New York. We cannot believe that any one of ordinary intelligence would give credence to such a senseless report; but if there be any such, we have the most direct and positive authority for saying that they who have attributed such expressions to the Secretary of War have wilfully and designedly misrepresented him."

Mr. Davis, feeling that there is still room for misapprehension, has addressed us the following note, enclosing a copy of a letter he has written to a friend, defining his position with more exactness. We lay these communications before our readers, and invite special attention to them:

Jefferson Davis to B. Tucker.

Washington, D. C., October 8, 1853.

My dear Sir:

Thanking you for your correction of a misrepresentation of my position towards Messrs. Bronson & O'Conor, of New York, which appeared in this morning's "Sentinel," yet I cannot but apprehend that the manner in which the correction is made may lead to further misapprehension.

The present confusion in the use of old names, and the difficulty of reconciling present positions with old opinions, render it necessary to be very precise in the use of terms.

I do not consider those who stand firmly on the platform of the Democratic Convention of 1852 to be free-soilers, though they be opposed to the distinguished democrats named by you in the article above referred to.

As the most certain mode of showing to you my position in relation to the New York controversy, I handed to you the duplicate of a private letter I had written to a friend in New York; and though not intended for publication, I now send you a copy of that letter, by which you may best be able to show my position in reference to the quarrel of the democratic family of New York, as long as it retains the character of dissension among those who in common support the administration and uphold the avowed principles of our party. If, in the progress of the campaign, either division should array itself on the side of the enemies of the administration, or become the agitators of questions which the democratic party is pledged in all time to prevent from revival, then I shall look upon them as foes of the democracy and disturbers of that peace and fra-

ternity essential to our Union, and, as such, to be opposed by all who entertain the views and are influenced by the motives which govern my conduct.

As ever, your friend,

JEFFERSON DAVIS.

B. Tucker, Esq.

Washington, D. C., Oct. 6, 1853.

My dear Sir: I have not seen the publication in the Herald to which you refer, and which, if seen, would not have received any notice from me had it not been dignified by the attention of some one whose good opinion I regard.

Thanking you for your kind interest and confidence in me, I reply that you have not, in this instance, mistaken my position. Whatever may have been the language employed, the statement that I had endorsed Preston King and John Van Buren is false, and, I will add, would have been absurd if I had presumed to do so.

I served with the first-named gentleman in Congress, and on the slavery question we were the antipodes of each other. Of his subsequent course and present position I am not informed. The second-named gentleman is known to me personally only by private intercourse. His position, as shown by the publications of the day, has been very objectionable to me, but now is in accordance with the general amnesty declared in the Baltimore Convention, and ratified by the presidential canvass of 1852. I received the proposition to unite on the platform declared by the democratic party in general convention as a settlement of past feuds, and have been ready to co-operate with all who, adhering faithfully to the principles and policy then declared, are willing to go with me in the onward march of democracy.

It would have been hollow and dishonorable to have allied with men upon that basis, and when the campaign was over have summoned them to answer for their "bygone" opinions. So far was this from any purpose or policy of mine, that I had forgotten, if indeed I ever knew, the contents of speeches and letters which have recently been brought to light, and present men in whom I had entire confidence as having been, a very few years ago, the advocates of free-soilism.

Notwithstanding the significant mark of confidence given to Mr. Dickinson, when he was offered the best financial and political appointment in the State of New York, I have not,

and will not, approve the anti-slavery speeches he made in 1847 and 1849. And although Judge Bronson holds the high post which Governor Dickinson declined, I trust I shall not be numbered among those who subscribe to his letter of July 15, 1848, to the meeting to ratify the nomination of Martin Van Buren, and contribute to the extension of free-soil. I am willing in these, as in other cases, to drop the inquiry into by-gone opinions and associations, to adhere to the compact of 1852, to oppose disorganization, to resist agitation, and to promote the harmony of the democratic party, as the best means of securing peace among the States and prosperity and perpetuity to the Union. Now, this is not to approve objectionable antecedents, not to endorse the opinions at war with my creed, but to act as becomes those who believe the union of the democracy to have been sincerely, honestly, and substantially made for public and not personal ends. Holding, as I do, that party organization is a necessary means to insure success to principles on which parties are formed, I cannot but lament the division which has, without recent cause, opened the old wounds in our party of New York.

I do not assume to mingle, still less to judge, in this family quarrel, but will abide the course of rapidly transpiring events, and hope that the true democracy may crush any disintegrating faction which goes into coalition with the whigs.

Very truly, your friend,

(Signed) JEFFERSON DAVIS.

Jefferson Davis to W. D. Chapman.

(From Library of Congress. Manuscripts Division.)

Wash^{n} D. C
13th—Oct. 1853

Col. W. D Chapman
Dear Sir

Yours of the 6th. inst. has just been rec^{d} and I comply with you request for a prompt reply hoping it may reach you by the date fixed.

1st Your "statement was true when made" in Nov. 1851 viz.—that for the preceding special session of the Senate H. S. Foote had received mileage but that Jefferson Davis had not.

2^{d} It is not true as stated by Gov Foote that "when (he) I first received constructive mileage the whole Senate had done the same thing including (his) my former colleague *Col. Davis.*" I was one of the last Senators who received that mileage some

time after Senator Foote had drawn his, and when I not only had been convinced that the allowance was legal but found myself in the position in which further to decline to receive it would have been to set up a special standard in opposition to that of those with whom I was associated.

The morality of the act of taking the mileage of the special session depends upon the belief of the individual as to its legality unless it be contended that a public officer is bound to inquire beyond the allowance fixed by law into the propriety of the law which regulates his compensation.

The amount of mileage allowed in the Senate depends upon the Statement of the Senator as to the distance of his residence from the Capitol. That statement is not submitted to the examination of a committee as in the H. of Reps and there would seem to be the special obligation imposed by such confidence to restrain an honorable man from making an overcharge. I made a calculation by taking the post route distance along the river route as that usually traveled.

Though not included in your enquiry I should not be willing to omit the fact that after I had left the Senate upon a showing that the mileage for the special session of 1851 still stood subject to my draft I directed the amount to be sent to me and received it I think in the summer of 1853. I said on a former occasion as much evil of Gov^or^ Foote[1] as my self respect would allow though much less than long and close observation of his depravity would have justified. Since then I have thought it due to myself to take no notice of him and whilst I have not felt at liberty to withhold this answer from you I have much reluctance that the public should see me in the attitude of noticing any thing which emanates from H S Foote—Very Respect^y^

Yr obst

Jef Davis

Jefferson Davis to Major G. H. Crosman.[2]

(From Pennsylvania Historical Society Collections.)

Unofficial— War Dept. Oct. 17, 1853

My dear Sir,

I have received your letter of the 13th inst. in relation to the attempts made by certain political committees in Philadel-

[1] Henry S. Foote.

[2] Class of 1823, West Point, retired from the service in 1866 on account of age with the rank of Bvt. Maj.-Genl.

phia to levy assessments upon the Salaries of the clerks in the Department of the Service under your charge.

I entirely approve of the course you have taken in the matter, by refusing to allow your clerks to submit to the imposition of this tax. Their salaries are paid to them for a different purpose and ought not to be subjected to a diminution by a forced contribution.

It is my desire to keep the military branch of the government free from political influences—and your employees need have no apprehension that they will suffer in my estimation from unfriendly reports of their conduct in failing to comply with the requisitions of political committees.

Yours truly
& Respectfully
JEFFN: DAVIS

Maj. G H Crosman

Jefferson Davis to R. McClelland.

(From Letter Books Secretary of War Old Records Division, War Department.)

War Department
Washington October 18, 1853.

Hon. R. McClelland
Secretary of the Interior,
Washington, D. C.

Sir,

Your communication of the 14' instant enclosing the letter of the Superintendent and Acting Commissioner of Indian Affairs, in relation to the difficulties existing in the Cherokee nation, and in which you ask me to direct the officers commanding on that frontier to "obey any requisitions which may be made for the forces under their command by Superintendent Drew, with a view of suppressing the domestic strife, and maintaining the peace of the nation" has been received and attentively considered.

As the officer who may be in command of a body of troops, acting under a requisition of the Superintendent of Indian Affairs, and not the Superintendent, would, and must necessarily, be responsible for the consequences of his acts, and as those consequences may be so momentous, not only to the officer himself, but to the Cherokee nation and to the country, I have considered that it would not be expedient or proper to issue an order so indefinite in its character and its possible results.

Concurring fully, however, with you in the importance of the present emergency, I have, to day, ordered (by telegraph) Major General Twiggs to repair immediately to the Cherokee country, and shall invest him with full authority to take any measures that may be necessary, on the part of the military authorities of the United States, to protect the Cherokee nation from domestic strife.

Very respectfully, Your Obt. Serv.—
JEFFN DAVIS
Secretary of War

John D. McPherson to Jefferson Davis.

(From Library of Congress. Manuscripts Division.)

Exchange Hotel
Richmond, October 20, 1853

Dear Sir,

I saw M^r^ Lyons early this morning His views were so decided in favor of the engagement of M^r^ Joynes that, considered in connection with the earnest recommendation of him by the Attorney General, they were conclusive.

I then called on M^r^ Gregory. He seemed at first anxious to undertake the case but after some conversation leading to the point he explicitly recommended the employment of M^r^ Joynes in preference to himself. I merely told him that M^r^ Lyons had written for assistance in the cause, and that I had come to speak with him (M^r^ G.) on the subject as Dist Atty. He soon in his own mind narrowed the question, to himself and Joynes, and in view of the short time & great interest in the case recommended the latter. He however went with me to M^r^ Lyons hoping that M^r^ L. might accept him, but again came to the same conclusion. M^r^ Joynes was therefore telegraphed to come by the first train & is expected this evening, tho' probably too late for me to inform you of his arrival.

I then broached with M^r^ Lyons for the first time the engagement of a third counsel & mentioned M^r^ Crump as a gentleman who had been favorably mentioned to the Department M^r^ Lyons did not say much against him, but received the proposition with evident repugnance principally on the *expressed* ground that he had no time whatever to prepare & would need a great *deal of preparation* for such a case. He evidently thinks little of his law learning. Besides, M^r^ Gregory has shown such anxiety

to be in the case that the employment of any other person would be in direct preference to him, and the only question seems to be whether he shall be employed at all. Lyons thinks it unnecessary and entertains no expectation of assistance from him. Under the circumstances he could not consider himself at all slighted if no third counsel is employed. He would be satisfied I think with $200. Joynes will want not less than $500, Mr G says. As L. is already retained I doubt whether I am to fix terms with him unless opportunity seems favorable to do so.

If Mr Joynes comes this evening I will be home to-morrow.

Very Respectfully
Jno D. McPherson

Mr Lyons is perfectly confident of success.

[Addressed: To
The Secretary of War
Washington City
J. D. McP.
Postmarked: Richmond. Va. 5 Oct 20
Indorsed: Jno. D. McPherson].

Jefferson Davis to V. A. Gaskill.

(From the Union, Washington, October 25, 1853.)

Washington, D. C.
September 21, 1853.

Sir:

Your letter of the 20th ult. arrived during my absence and ill health has combined with constant occupation, thus far, to delay my reply.

Before proceeding to notice the political questions to which you call my attention, I will dispose of the personal accusation which you inform me Mr. Toombs has made against me. You say, "He denounced you as a disunionist sitting in the councils of the nation." During the controversy of 1850, in relation to the rights of the South, and the duties of the general government in the territories acquired from Mexico, my attention was called, in debate, to the fact that, in certain newspapers, I had been charged with a desire to dissolve the Union. Believing it to be the work of base men, who concealed themselves behind the instruments they employed, I then said before the Senate, if any gentleman makes the charge, I will answer him in monosyllables. It was well understood that

that answer would not be less harsh than, it is false. Such is my answer now.

In that long and exciting controversy, my opinions were freely expressed. They are spread on the volumes of congressional debates, and to them I refer to disprove all allegations made against my fealty to our constitutional Union. Subsequently, (1851,) when engaged in a canvass in Mississippi, whilst I declared the opinion that a State, as a sovereign and equal member of the Union, had a right to withdraw from the confederation, I also spoke of it as the last remedy—the final resort; one to which, under existing circumstances, Mississippi should not appeal; and such was the position of those with whom I acted, as is shown by the resolutions of the convention which nominated the State ticket of 1851.

Though I have been made somewhat familiar with the excesses of partisan conflict, I am not a little surprised at this accusation, because of the source from which it comes. As a member of Congress, and by personal intercourse, Mr. Toombs has had full opportunity to know that the accusation is false; and I am sure that a comparison of the position taken by Mr. Toombs and myself will show that my most ardent language never reached the extreme to which he went, both before and long after the measures, commonly called the Compromise of 1850, had been presented, and the principles and constitutional rights involved had been fully discussed.

In conclusion of this matter, I will only say that I cannot very highly appreciate the moral sentiment of a man who is prone to believe, ready to assume, that one who desires to destroy the Union would be willing to hold a place in its councils, and swear to support its constitution; and he who makes such charge against me does so gratuitously, and thereby assures me that he is radically false and corrupt.

I send you printed copies of the speeches I made at Philadelphia and New York, which you can compare with the representations which, you inform me, have been made of my remarks in relation to a railroad to the Pacific ocean. You will not fail to observe that the only point on which I claimed to express the views of the President was an assurance of strict regard for State rights. In relation to the construction of a railroad, my remarks are directed to the first question—that is, the constitutional power of the general government. The power of the government, under certain conditions, is held to extend to the construction of a railroad within the limits

of Territories belonging to the United States. He who denies this must also deny the power to construct wagon roads, for which appropriations were made by the last Congress for the Territories of Minnesota, Oregon and Washington, and with the disbursement of which I am now charged. He must deny the jurisdiction which has been so long exercised over the Territories by the general government; and finally find himself on the same platform with the sect which arrayed the sovereignty of the territorial inhabitants as a barrier to federal legislation for the protection of a slaveholder's property who should migrate from a southern State, one of the joint-owners of that Territory, to become an inhabitant of it. Within the limits of the States, the action of the Federal government is restricted so that it could not exceed the aid which might be given to a private company, and that I have held, on other occasions, was limited to the interest in the work which the government had as a landed proprietor—the rule on which Congress has made grants of contiguous land and by the right of way, in aid of the construction of roads. Beyond the question of power are the questions of practicability and expediency. The practicability will be more intelligibly discussed when the surveys, directed to be made by the late Congress, have been completed. They are now in progress, and I have not attempted to foretell their results.

The expediency is to be considered in connexion with all the political, physical, and administrative questions which enter into it. The mode of execution, the last to be decided, is the first, it seems to me, presented for objections; and I am held responsible for a particular plan of proceeding, when I had proposed none, when, from the dependence of the plan and means of execution upon the location of the route, I had not considered it possible to decide on the best mode of proceeding until after the route had been located. Then, and not until then, can any one estimate the extent of road; how much, if any, will have to be constructed within the limits of the United States territory; the cost per mile, and the means which can be made available for the construction.

Very respectfully, your obedient servant,

(Signed) JEFF. DAVIS.

V. A. Gaskill, Esq.

Jefferson Davis to B. H. Richardson.[1]

(From Letter Books Secretary of War Old Records Division, War Department.)

War Department
Washington October 25, 1853

B. H. Richardson, Esqr.
Editor of Republican Argus,
Baltimore,
Maryland,
Sir,

In reply to your letter of the 20' instant, I have to inform you that the advertisement in the American Times which excited your surprise, was not a publication of the War Department. If you will look at it again you will perceive that the rations advertised for were for the Marine Corps, which is under the charge of the Navy Department.

But, supposing it had been an advertisement of this Department, I do not recognize your right to interrogate me on the subject as you have done. So far from having overlooked or proscribed the Argus, as you intimate, I especially selected it as the medium of publication for the important advertisement of the Subsistence Department the only one, I believe, under my control, published at Baltimore, since my connection with the Department. How you can construe this into neglect or proscription I cannot understand, unless you consider me by that act restricted hereafter in all advertisements to your paper alone. If such is your impression, I must inform you that it is erroneous. I shall exercise the privilege of choosing such paper or papers as a medium for publishing advertisements for the Department as in my judgment may be best calculated to secure the object to be obtained thereby.

Very &c.
JEFFN DAVIS Sec of War.

[1] Democratic leader of Maryland; editor The Daily Republican, which was suppressed in 1863 by order of Gen. Schenck for the publication of "The Southern Cross," written by Mrs. Ellen Key Blunt, a daughter of Francis Scott Key.

Jefferson Davis to S. T. Kieckhoffer.

(From Letter Books Secretary of War Old Records Division, War Department.)

War Department.
Washington Nov 4'—1853

A. T. Kieckhoffer, Esqr.
Chancellor of the Belgian Legation,
Sir,

In answer to your letter of the 3d inst. I have to state that this Department has recently purchased from Dr. Edward Maynard the right to use his improved system of firing for one hundred thousand arms.[1]

This purchase was made, agreeably to the terms of a contract, now existing between the Government and Dr. Maynard, which was entered into after his invention had been submitted for examination, and approved by two separate Boards, each composed of officers of the Army and Navy; the latter consisting of officers of the highest rank in both branches of the service. By this contract the right of using Maynard's improvements was secured to the Government on specified terms, varying according to the number of arms to which the improvements might be applied. The object of making the contract in this form was to enable the Government to put the improvements to the test of actual use in the field, and to satisfy itself of their practical utility before making any large expenditure for the right to use them. After they had undergone this test, the purchase before stated, was made by this Department on the recommendation of the General in Chief and the Head of the Ordnance Bureau, to whom the reports of the Army officers on the results of the practical test had been submitted: and the Government has also secured the right to use Maynards improvements for any additional number of fire arms beyond the one hundred thousand for which it has made payment in advance, on terms not exceeding the rate, per arm, paid for that number.

I am, Sir, Very respectfully
Your Obt Serv—
JEFFN DAVIS
Secretary of War

[1] The adoption of the Maynard rifle for use by the U. S. A.

M. Davenport[1] *to Jefferson Davis.*

(From New York Historical Society Collections.)

Okolona Miss Nov 12th 1853

Hon. Jefferson Davis

Dear Sir

You have not forgotten that I addressed you a letter, last winter before your departure for Washington touching my being a candidate for the Marshalship of N. Mississippi and soliciting your friendly aid in my behalf. Your answer of the 14th Feb. came duly to hand, but before its reception, I declined all aspirations for the Marshalship, and owing to my wife's bad health—she (is) threatened with a pulmonary disease—I desired Mr Phelan to try to get me some situation South that would pay expenses, if no more, and suit a pulmonary invalid. Judge Adams & Col Wilcox, whom *then* I supposed had abandoned their old 51 Union-Saving, and knew no distinction save that of democrat, were written to, by a friend, at my instance on the subject of procuring me such an appointment. My friend received advices from them that there was no chance for me. My wife getting better of her lung-disease as the warm weather came on, I was not grieved at my want of success. Things, however, have changed again for the worse, & Mrs. D's health on the approach of cold weather, declines so rapidly, that office or no office I am determined to pack up my little all, and start in 20 days for South Florida. I shall go to Tampa, and as my profession is said to go a begging there, I shall perhaps take to newspaper editing, if an opening exists, or any thing that will pay.—The main purpose of this note, is to let you know my future whereabouts, and not have it forgotten that should there be any moderately paying position to be disposed of one who hopes he is worthy of it would be glad to receive it. The understanding is that a land-office will be established soon at Tampa. This being the case, if none more deserving than myself should apply for receiver or Registrar, what would prevent the success of my application for one or the other. I know some of the difficulties in the way,—the main one must be that one of the family has already an appointment. Indeed I feel that it is indelicate almost for me to think of it,—but my family's health, and my own very limited means embolden me to apply, I leave it to you, however, to

[1] A local politician of Okolona, Chickasow County.

do as you deem best,—of course it would greatly gratify me to get the office mentioned, should it be made—but not to get it shall draw no murmur from me, as disappointments are no strangers to me.

The Political news you will have heard long before this reaches.—We are all too happy at the result. [1] Believe me ever yours

M Deavenport

(Confidential)

N. B. Please excuse me for this intrusive scrawl.

John A. Jones to Jefferson Davis.

(From Library of Congress. Manuscripts Division.)

Milledgeville 17th Novr 1853

Sir

Last night the Dem party met in caucus The enclosed sheet shews the result. The whigs with one or two exceptions are deadly hostile to Mr Cobb.[2] Then his proper vote 31 out of 236 represents less than 15000 out of 100000 Georgia voters. Said I not right some time since that no act of the President could be less acceptable to the S R wing (I may add 9/10 of the people of Georgia) than the bestoal of the patronage & favors of the administration on Howell Cobb. The truth is Mr Cobb has betrayd all who have trusted him consequently all distrust him & deprecate his promotion

Verry respectfully

John A. Jones

[Indorsed: Milledgeville
Nov 17. 1853.
Jones John A.

also (in
Davis's hand): Jno. A. Jones
about Ga. Caucus
for senator
[in pencil] To be ansd]

[1] We sanguinely think that the democratic ticket has generally succeeded. An anti-Foote Legislature it is rumored, is elected.

[2] Howell Cobb, 1815-1868. Georgia Congressman, Speaker, Secretary of the Treasury, Governor of Georgia, Chairman Provisional Congress C. S. A., Major General C. S. A., War for Southern Independence.

Jefferson Davis to J. G. Parke.[1]

(From Letter Books Secretary of War Old Records Division, War Department.)

War Department.
Washington Nov 18, 1853

Lieut. J. G. Parke,
Topographical Corps,
San Diego,
California.
Sir,

The President of Mexico has given to this Government authority to make surveys within the Mexican territory, in connection with the examination of rail road routes to the Pacific, and you are selected to make such a survey in accordance with the instructions below, provided a suitable party can, as is believed, be organized with the means which will be placed at your disposal.

For this purpose, a draft on the Assistant Treasurer at San Francisco for five thousand dollars is herewith enclosed to you, and orders have been given to Lieutenant Williamson to supply you with all the funds he can spare, and all the animals, equipments &c which may be disposable for the object, on the disbanding of his party.

A similar order has been given to Lieut. Whipple, though it is hardly expected that aid from him will be necessary should these instructions reach you before the party of Lieut. Williamson is disbanded. If, however, Lieut. Williamson

[1] Parke, John Grubb (1827-1900), a soldier, was born in Chester County, Pa., September 22, 1827, studied at University of Pennsylvania, graduated at West Point in 1849, and was assigned to the topographical engineers. He was engaged in various surveys and on Lake and Harbor improvements, 1849-1853; surveyed the Northwestern boundary of the United States, 1857-1861. He was commissioned captain of engineers and brigadier general of volunteers in 1861; commanded one brigade of Burnside's North Carolina Expedition in 1862; was promoted major-general volunteers for services at Roanoke Island, Newbern and Fort Mason; commanded ninth corps at South Mountain, Antietam and Vicksburg. He commanded Sherman's left wing in 1863; participated in the siege of Knoxville, the pursuit of Longstreet in Virginia, the battles of Wilderness and Spotsylvania. He led the ninth corps at the capture of Petersburg and at Appomatox. He returned to the Northwestern boundary survey in January, 1866, was Superintendent of West Point, 1887-1889; and retired with rank of Colonel of Engineers, brevet Major General regular army, in 1889. He died in Washington, D. C., December 15, 1900. He published a Compilation of Laws of the United States Relating to Public Works for the Improvement of Rivers and Harbors; and Laws Relating to the Construction of Bridges over Navigable Waters.

should have sold his animals and equipments, you may find Lieut. Whipple's assistance essential to your success. It is to be distinctly understood that neither of those officers is to deprive himself of anything necessary to the prompt completion of his report. The organization and outfit of your party are to be completed on the most economical scale that can be prudently adopted.

The necessary orders have been given for the detail of an escort and supplies for the same.

You will confer with Lieut. Williamson upon every thing relating to the organization and outfit of your party, and to your plans for the prosecution of the work.

You will use the utmost dispatch in commencing and prosecuting the duty assigned to you and observe the following instructions in regard to it.

Referring to a sketch from the office of the Mexican boundary survey, hereto annexed, you will commence the barometric levellings on the Gila, a little above "Peina village" at a place marked dry creek; follow the line by "Tucson", thence by blue line, marked Nugent's wagon trail to angle in red dotted line marked "Brackish pool," East of Salt lake.

It may be that a better and shorter line exists from the point of departure on the Gila, to the point on the San Pedro where blue line, or Nugent's wagon trail strikes it. The mountains in that cut off are described to be generally parallel to the river San Pedro, and the belief exists that a good route can be found through them on the line indicated.

From the point marked "Brackish pools," just east of Salt Lake, as far east as the first stream, marked "Sienega", along the dotted red line, a survey and line of barometric levellings has been carried by the Mexican boundary survey. But it would be well to make the survey continuously along the red and blue line eastwardly until it strikes Cooke's wagon trail, and thence by the shortest distance and most practicable route to the valley of the Rio Bravo, to some point between "Dona Ana" and "Frontera," eight miles north of El Paso.

A more eligible and direct route from the region of the said Salt Lake to the point indicated on the Rio Bravo may be found. If information or observation on the ground shall so suggest, you will not confine yourself to the wagon trails described, but depart from the line indicated at any convenient point.

Bear in mind these wagon trails are faint, and not as broad or well marked as the great emigrant trail, known as Cooke's

route, which having been sufficiently explored, will not receive your attention.

The levels have been carried continuously by Major Emory along the valley of the Gila, and it might facilitate the operation not to unpack the barometer until the party shall have reached the point of departure from the Gila.

As the whole country between the Gila and the Rio Bravo, embraced in the parallels of latitude 32 and 34 has been well covered with astronomical observations, it will probably not be necessary for you to impede your progress in checking the run of your work by elaborate astronomical observations. A sextant and chronometer, by which you can obtain your latitudes, will, it is believed, prove sufficient to check your work.

The profile of the region traversed, showing the gradients which a road passing over it must encounter, is the information most wanted. It is, therefore recommended that you take the barometric height at every point on the line to be surveyed, which may be important in the elucidation of this subject.

On reaching the Rio Bravo, it may add little to the expense of your party to bring it all the way into the settlements on the Red River. If so, you will take some new route from Dona Ana, passing through the Northern part of Texas, and make a barometric levelling of the same.

Very respectfully, Your Obt Serv
JEFFN DAVIS
Secretary of War.

George T. Swann[1] *to Jefferson Davis.*

(From Library of Congress. Manuscripts Division.)

Jackson M[i] Nov 19. 1853

Private
Hon Jeff. Davis
Washington
Dear Sir

Since my return home recently I have had an opportunity of reviewing the evidence on which I formed an opinion relative to M[r] A. O. P. *Nicholson*, which I communicated to you in confidence just before leaving the Parlor at the President's house. I had taken up an idea that he was unfriendly to you as a part of the Administration, and felt bound to tell you so. I

[1] Lawyer, State official, friend and adviser of Senator Davis.

now regret truly to say to you that I had strangely confounded another gentleman's name with his, and under the wrong impression may have given you an incorrect idea of his feelings towards you.

I had seen a letter strongly opposed in tendency to the leading articles of the 'Union' on the appointments made by the President both North & South—I am not at all at liberty to say whose it was—but I could not but regard it as foreshadowing a democratic dissension in which my principles led me to sustain the President & yourself especially. By a strange confusion Mr Nicholson's name got into my head instead of another of *near the same length* from his own State. I earnestly hope my suspicions expressed to you may have had no tendency to affect Mr N. in your estimation. The real name is one which cannot affect you in any way, and this was all I ever cared for about it. You will have seen and doubtless rejoiced in the entire success of the Democratic State ticket. The only regret I feel in connexion with the result is that Gov. Foote has been placed in a false position as an apparent foe of the President, when I know that he is one of his most cordial supporters in the State. I know you do not agree with me about this—but I think you will see the correctness of my notion hereafter. He has retired unconditionally from the canvass for Senator, and will leave the State very soon after delivering his message, to practice law in New Orl. or California—Fifty three members are returned to the Legis. who were in favor of his election, 78 against him. It is hard to guess what influence this 53 may exert in the election. I know nothing of the purposes of my State Rights brethren—for none of them consort with me since I publicly advocated Foote's election. I don't care a fig for this, for I do not ask for any office now, and my conscience does not lead me to ask any body for an endorsement of my Democracy. It will shew for itself hereafter, as it has done heretofore.

I rejoice to see that you have not been embroiled in the New York difficulty. For God's sake don't let them get you into it —for as strong as the President is, Dickinson & Bronson have very strong friends among the warm-hearted Democracy of the South. They are willing to let by-gones be by-gones as to slavery agitation, but if the storm should be called up again so as to compel them to take sides on it as a National issue, they cannot forget the antecedents of either party beyond 1852. —Whenever any such struggle comes on, unless you are strangely changed from the man I followed in disaster in 1850-'51, I

shall still be found among the humble but not least steady of your friends—

I am, with the best wishes
Yours, very truly
GEORGE T. SWANN

[Indorsed: Jackson Mi
Nov 19. 1853.
Swann Geo. T.—
also [in pencil in Davis's hand:] Geo. T. Swann.]

H. C. Wayne[1] *to Jefferson Davis.*

(From the Library of Congress. Manuscripts Division.)

Washington Nov: 21st 1853

To the Honble Jefferson Davis
Secretary of War,

[General Remarks on the use of Camels and Dromedaries for transportation and Military purposes other than those of burden—as for Expresses, the pursuit of Marauders &c, by Major H. C. Wayne—U S Army]

An Area of territory between (our) Eastern and Western confines of civilization, and extreme Northern & Southern boundaries of two millions of Square Miles, without navigable Streams or artificial means for ready communication, and of facilitating intercourse through it.

A Rail Road to the Pacific will meet the difficulty but partially, as the facilities to the vast tracts of lands lying to the North and South, will not be sensibly felt for more than a hundred miles in either direction.

In Asia & Africa, countries similar in superficial character

[1] Wayne, Henry Constantine (1815-1883), a soldier, was born in Savannah, Ga., September 8, 1815, attended schools at Washington and Cambridge, Mass., and graduated at West Point in 1838. He served as 2nd lieutenant, 4th artillery, on the northwestern frontier and Canadian border, 1838-1841; was assistant instructor of artillery and cavalry at West Point, 1841-1843; quartermaster, 1843-1846; was promoted 1st lieutenant, May 16, 1842; captain of staff, assistant quartermaster general in war with Mexico, 1846-1847; was brevetted major for gallantry at Contreras and Churubusco in 1847; served in Quartermaster general's office in Washington, D. C., 1848-1855; tested adaptability of camels in Texas, 1855-1858; joined Confederate Army as adjutant and inspector of Georgia forces in 1860, organized militia and State officers with companies and guarded the Chattahoochie River; resumed duties as adjutant general in Georgia, June, 1864. He died in Savannah, Ga., March 15, 1883. He received a medal from the Societé Imperial Zoologique d'Acclimation and published The Sword exercise. Arranged for Military Instruction.

and temperature, the Camel has been extensively used for commerce and communication.

Communication with the interior of our Continent and throughout its centre is rare, and carried on slowly, and expensively by means of wagons drawn by horses, mules, or oxen, averaging on long journeys not more than twelve miles a day.

To the first cost of wagons, harness & animals, is to be added continuous expenditure for teamsters, forage, shoes and repairs.

By the use of the Camel, we can double the average of our daily journeys, at a first cost not beyond that now incurred with a diminished continuous expenditure for teamsters &c, and almost nothing for forage & by the aid of the Dromedary we shall be enabled to traverse long distances in a short time.

The Camel is not only used in the Desert of Africa, but also in Asia (its home). An immense traffic is carried on by means of it from Central Asia to the confines of European Russia, the Southern borders of Siberia, and with India. In the trade with India 30,000 Camels are annually employed. Of the varieties of Camels, the two used for domestic purposes are the Arabian and Bactrian.

The *Arabian* Camel (from which the Dromedary is distinguished by higher breeding) is a native of Asia, where from the earliest ages to the present day it has proved the chief means of communication between the different regions of the East.

The *Bactrian* Camel is distinguished from the Arabian by having two humps on its back, and by being stronger and more muscular. It is the Camel of Central Asia, and is capable of enduring a more moist and colder climate than the Arabian. They have been known to exist in Siberia during winter, on the bark and tender branches of the birch and other trees.

The Camel land extends from 15° to 52° of North Latitude, and from the 20th of Longitude west of Greenwich, to the 120° East of it. In Europe, the Camel was successfully introduced by the Moors into Grenada. It was also introduced upon the plains of Rossaro, near Pisa, in the 16th Century, where it is used at the present day

Comparing the Northern and Southern boundaries of the United States, we find them embraced within the parallels of latitude which limit "Camel land." Referring further to Humboldt's system of Isothermal lines, we find that both "Camel land," and the United States are included in the same zones of Climate namely the "warm," and the "mild," the mean temperature of which is respectively 68° and 50°.

The other influence upon Animal grouping is Longitude, and we see no reason why the Camel should not flourish upon the Western Continent as well as the Horse, which came originally from the same quarter of the Globe, and which was not known in America until introduced by Europeans. This question has already been practically tested, and successfully.

After the Conquest of Spanish America, Camels were introduced into that Country by "Juan de Reinega" (a Biscayan) and "Acosta" saw them towards the end of the 16th Century, at the foot of the Andes—but their introduction being looked upon with distrust by the Spanish rulers, they gradually dwindled away.

All authorities concede to the Camel a considerable age, great strength, and astonishing powers of abstinence from food and drink. One draught of water will last it for several days—say three or four. In some instances it has done so for eight or ten, whilst a few beans, a little meal, or the dry herbage and plants by the wayside, served it for food. Its milk and flesh are palatable, and garments can be made of its hair. It will carry for short distances from 700 to 1200 pounds, accomplishing easily day after day, from 30 to 40 miles. Of the Swiftness of the Dromedary, many wonderful stories are told—it is safe to say that it will easily accomplish on level ground, for several successive days, an average of a hundred miles a day.

Objections are against the practicability of introducing the Camel into this country, on the score of the tenderness of its foot in stony soils &c. This is rebutted by the Authority of Burkhardt, McFarlane, and Abbott.

Comparing the general superficial character of the country in Central Asia, with that of Central North America, we can see no reason why the Camel should not be as serviceable with us, as it is there. From Central Asia, Russia, Siberia, or India, in whichever direction we may travel, the Camel must pass on his journey over rugged mountains, washed by torrents, and sometimes capped with snow—cross rivers—steppes—and slippery soils, and be subjected to the same sudden changes, and general character of temperature that we experience here.

In a military point of view, the advocates of the measure expect to gain by it, a very great reduction in the heavy expenditures for transportation of Military Stores and Supplies—a speedy communication from point to point—great facilities for making preliminary reconnoisances for instrumental surveys, whether for strictly military objects, or collaterally for

works of civil internal improvements, and the power of controlling the Indians by checking and promptly punishing their aggressions—"Jomini" says, with reference to what was done by Napoleon—"That the necessity for putting a stop to the marauding Arabs gave rise to a Dromedary Corps, an entirely new arm, which partook of the nature of both Cavalry and Infantry *without the inconveniences of either.* The Dromedaries carried two men sitting back to back, with their arms and provisions for several days, and as they could easily travel 90 miles without eating, every time the Arabs dared to quit the Desert for the purpose of pillaging they were soon overtaken and surrounded by the Dromedary Corps. This arm rendered most important service

[Endorsed "Maj. H. C. Wayne[1]

Nov. 21, 1853
Synopsis of Letter to Honble Jeff Davis Secy of War, on the use of Camels and Dromedaries for transportation, and military purposes &c]

Jas. W. Schaumburg to Jefferson Davis.

(From the Library of Congress. Manuscripts Division.)

Private.

Philadelphia
December 9th 1853.

My dear Colonel:

I write this to say that, I have read your report as Secretary of War and without flattering you—I never flatter my friend—that it is the most comprehensive, the best written and interesting public document published—and I will say that any Secretary John C Calhoun not excepted, ever made in reference to the Army organization and service.

I am anxious to see you back in the Senate; where you can be subordinate to no greater power than your constituents,—altho' for the good of the Army your being in the Cabinet is a most fortunate thing & this will be, no doubt, fully appreciated by the contrast presented by your being Secretary after such predecessors as Conrad and Crawford!

Yours most Truly
Jas. W. Schaumburg

Col Jeffn Davis
Washington D C

[1] Class of 1838, West Point Cadet from Georgia, Brigadier-General C. S. A. Died 1883.

Jefferson Davis to Franklin Pierce.

(From House Ex. Doc. No. 1, 33d Congress 1st Session.)

REPORT OF THE SECRETARY OF WAR.

War Department,
Washington, December 1, 1853.

Sir. I have the honor to submit the following report of the operations of this department during the past year:

The authorized strength of the army (as now posted) is 13,-821, officers and men; but it will be seen by the accompanying table, prepared in the Adjutant General's office, from the latest returns, that the actual strength is only 10,417. Of this number, 8,378 are employed in the frontier departments or are now on the route to them.

It gives me pleasure to say that the measures taken for the protection of the inhabitants of our frontiers have, under the direction of able and zealous commanders, been more than usually successful. The troops have everywhere been actively and constantly employed. Indian depredations have been comparatively infrequent, and, except in California and Oregon, have not attained more than a local importance.

In the Indian country immediately west of the Mississippi but two or three instances of collisions have occurred. Arrangements are now in progress which, by the establishment of new posts in more favorable positions, will enable the department to dispense with a number of the smaller and less important posts; to give increased security to that frontier; to employ a greater force for the protection of the emigration crossing the great plains of the west; and, at the same time, materially diminish the expenses of the military establishment in that part of the country.

In Texas, Indian hostilities have diminished in frequency and in importance, and in a majority of the cases that have been brought to the notice of the department, the depredations have been committed by Indians from Mexican territory. As the Rio Grande is the boundary between this country and Mexico, and the positions to be occupied on it for the protection of that frontier and the fulfilment of our treaty stipulations with the republic of Mexico will, in all probability, be permanent, the force on that river has been considerably increased, and arrangements are now being made, under the direction of Major General Smith, aided by an experienced offi-

cer of engineers, to select the most suitable positions for the attainment of these objects, and for the construction of field works for their defence. As a part of this system, orders have been given for the establishment of a strong post on the Rio Grande, opposite the Mexican town of El Paso, in the neighborhood of which Indian hostilities and collisions between the frontier inhabitants of the two countries have occurred. It is also in contemplation to establish a large post at the point where the great trail of the Comanche Indians crosses the Rio Grande. Other dispositions for the control of the Indians on the northern frontier of Texas are also in progress, and, when they are completed, the department hopes with confidence to give a very great degree of security to both the Mexican and Indian frontiers of that State.

New Mexico has been comparatively exempt from Indian disturbances during the past year. The few that have occurred have generally been traced to marauders and outlaws, for whose actions none of the tribes of that country can justly be held responsible. Those to which they nominally belong have given assurances which, it is believed, they are endeavoring in good faith to carry out, of their intention to apprehend and deliver up these marauders, and restore the property plundered by them.

The Indians of California and Oregon are numerous and warlike; but as they were divided into small independent bands, having no general head, and were in a great measure destitute of firearms, their hostilities in previous years were not important. Now, however, that the rapidly extending settlements of those countries are driving the Indians from their accustomed haunts and crowding them into narrower limits, they are forced into combinations both formidable and frequent. Within the past three years their hostilities, the result in many instances of the intrusion and aggressions of the whites, have been almost uninterrupted; and it is officially known that, in northern California and southern Oregon alone, within this period, the lives of more than a hundred whites and several hundred Indians have been sacrificed in collisions between the two races. The force in that country is not now, and never has been, sufficient; and, impressed with the idea of its entire inadequacy, the department some time since ordered a regiment of artillery to the Pacific, and it was designed to send there an additional regiment of infantry, but it was found that the state of the service would not then, nor does it yet, admit of it. The first mail from the Pacific, subsequent to the issuing of this order,

brought intelligence of renewed hostilities, in which more than forty lives were lost. By the zeal and activity of General Lane, (delegate from Oregon Territory,) in command of a volunteer force, aided by the few regular troops that were in the neighborhood, hostilities were suppressed, and the Indians compelled to sue for peace. These operations appear to have been conducted with great energy and judgment, and, in the final conflict, General Lane and Captain Alden (the latter in command of the regular troops) were both severely wounded while gallantly leading a charge against the Indians. There is, however, no assurance that peace can be maintained, unless a force adequate to the control of the Indians is stationed in their midst. It is the intention of the department that this shall be done, and as soon as possible a considerable additional force will be sent to the Pacific, and one of the brigadier generals of the army ordered there to command.

The vast territories between the Rocky mountains and the Sierra Nevada are inhabited by numerous and warlike bands of Indians. Hostilities are now existing between them and the inhabitants of Utah Territory, and they are constantly occurring on the emigration routes through that country from the western States to our possessions on the Pacific. It is due to our citizens who are settled in, or pass through, those remote regions, that their lives and property should be protected; but the department is without the means of fulfilling this duty.

The measures adopted by the Department of the Interior under the last administration, for the removal of the few Seminoles remaining in Florida, having failed, it was considered advisable to transfer the control of these Indians to this department, for the purpose of emigrating them to the country west of the Arkansas. An experienced officer of the army, who is well acquainted with their character and possesses their confidence, has been entrusted with this duty; and with a view to strengthen his efforts, and at the same time be prepared to use coercive measures, if such should be necessary, a force consisting of nine companies of artillery is posted in the peninsula of Florida. It is hoped that the measures thus taken will be attended with favorable results.

The appropriation of March 3, 1853, for remounting the four additional light batteries, authorized by the act of March 3, 1847, has been found sufficient to remount but three of them. It is recommended that, in the appropriations for the support of the army for the next fiscal year, provision be made for mounting and equipping the remaining company.

For the details of the movements of troops during the past year, and their present disposition, reference is respectfully made to the report of the commanding general and the accompanying tables, which are transmitted herewith.

The disposition and employment of the army must depend upon the necessities of the service; but if nothing unforeseen should occur, it is proposed to arrange two of the regiments of artillery to the Canada frontier, and to the Atlantic and Gulf coasts, the third to the Rio Grande boundary, and the fourth to the Pacific coast. The troops on the seaboard will be concentrated as much as possible, and at each of the posts occupied by them will be provided the means necessary for the instruction of officers and men in all the duties of their profession. The same course will be adopted, as far as practicable, at the posts on the Mexican frontier and Pacific coast, occupied by the artillery, and generally wherever it can be done consistently with a proper degree of economy. Of the three cavalry regiments, one will be required in Texas, one in New Mexico, and the remaining one for the western frontier, for service on the plains, and for the protection of emigrants. A fourth is needed for the Pacific and the country between the Rocky mountains and the Sierra Nevada, and it is hoped that Congress will authorize its organization. Three regiments of infantry are required in Texas, two on the frontier west of the Mississippi, one in New Mexico, and the remaining two in the Indian country of the Pacific. In another part of this report I shall invite your attention to the necessity for an increase of this force.

The companies of several of the regiments, particularly the cavalry and artillery, are now greatly dispersed, serving in different departments and under different commanders. Advantage will be taken of any movement of troops that may hereafter become necessary, and without incurring any great expense for that object alone, to concentrate the companies of the same regiment, as much as possible, so that they may be under a common commander, and subject, in some degree at least, to the control and supervision of their colonels or regimental commanders.

With an army three times as great as ours, it would be impracticable so to guard all points of our extended frontier as entirely to prevent Indian depredations It is, therefore, the intention of the department to post the troops in large bodies commanding positions among the Indians, and to restrain aggression by the exhibition of a power adequate to punish.

They will not be likely to engage in hostilities if their families are in the power of the troops during their absence.

The multiplication of small posts, however much it may appear to have been called for by the necessities of the service, is of more than doubtful policy. The system is expensive far beyond any good results that are attained by it. It is injurious to the decipline, instruction, and efficiency of the troops, and it is believed that it often invites aggression by that exhibition of weakness which must inevitably attend the great dispersion of any force. The benefits of the proposed change will be an improvement in instruction and discipline, a greater degree of efficiency and usefulness, and a material diminution of expense.

The distribution of the *material* of war required for the defence of a country, or the use of its army, is intimately connected with the movements and positions of the *personnel* of that army. The facilities of communication between the depôts where these supplies are stored or can be obtained, and the points on our seaboard and northern and northwestern frontiers where they may be required, are so great, that, so far as these are concerned, no change in the present arrangement seems necessary.

The communication with New Mexico, though tedious and expensive, is not liable to foreign interruption, and would not be changed by the occurrence of war. The case is somewhat different with regard to Texas, and essentially so with regard to the country bordering on the Pacific, which, from its wealth, is the most inviting, and from its remoteness is, of all our possessions, the most exposed to the attack of a foreign enemy. In view of the ever-possible contingency of war, and, the difficulty of providing for it after it has occurred, it becomes important to take, at as early a period as possible, all necessary precautions for the security of our distant territory. As the appropriation for the "armament of fortification" for the last three years has either been refused or greatly reduced, under the impression that it depended upon the prosecution of the "system of permanent fortifications," it is proper to remark, that this provision is not dependent upon the extent to which that system is carried, but is indispensable to any system of coast defence that may be adopted.

The construction of permanent fortifications, and the creation of arsenals and depôts, is necessarily the work of time; but the armament for the most important points, both in Texas and on the Pacific coast, should, at the earliest practicable period, be sent to them, and when in position, temporary works, suffi-

cient for defence against any sudden attack by a naval force, could readily be thrown up by the labor of the troops.

There should also be sent to the Pacific coast, and stored at suitable points, the ordnance and ordnance stores needed for its defence, and to the arsenals on the Columbia river, and on the bay of San Francisco, the machinery and other means needed for the construction, equipment and repair of all the *materiel* of war. Depôts should also be formed of such other supplies as are not perishable in their character. With a water transportation of sixteen thousand miles, and land routes impracticable for the transportation of heavy supplies, it will be too late to adopt these measures when the communication by sea is liable to interruption; and no prudent nation should trust, in matters of such vital importance, to the chances of a future that no human sagacity can foresee. As many of the supplies proposed to be sent to Texas and to the Pacific are now in depôt in the Atlantic States, no great expense or loss would be sustained by their transfer, even if the necessity for their use should not occur for many years to come. As a measure of prudence and economy in the transportation of such as may be sent to the Pacific, it is suggested that, whenever naval vessels are sent to that coast, there be sent with them such stores as they can conveniently carry in addition to their own supplies

The state of the recruiting service is exhibited by the accompanying report and tables prepared by the adjutant general, who is charged with the details of that service.

The demand for labor has been so great throughout all parts of our country during the past year, that this service has not been so successful as in former years. In consequence of this, and the fact that a number of the companies heretofore serving on the seaboard have been transferred to "remote stations," where, under the authority vested in the President by the act approved June 17, 1850, the maximum organization obtains, it is estimated that 4,600 recruits will be required for the service of the ensuing year. To obtain these at the present rates of pay, and in the present prosperous state of the country, can scarcely be expected; and it is important that some measures should immediately be taken for maintaining the full number of the rank and file of the army authorized by law.

It is shown by an examination of the statistics of the army, from 1826 to the commencement of the war with Mexico, that the average excess of the legal over the actual strength of the army has been, during this period, 18 per cent. of the latter;

that the average actual loss by desertion has been 12¾ per cent., by discharges for disability and other causes 7 per cent., and by deaths only 4 per cent., or that the total loss, independent of discharges by expiration of service, has been 23¾ per cent. of the actual strength of the army. Since the termination of the war with Mexico, the excess of the legal over the actual strength has been 19 per cent.; the average loss by desertion, 16 per cent., by discharges for disability and other causes, 8 per cent., and by deaths, 4 per cent., or a total loss, independent of discharges by expiration of service, of 28 per cent. A part of the per centage of the desertions is due, however, to the excitement on account of the discovery of gold in California, the excess from that cause, in one year alone, being 530 over the average of the three succeeding years.

It is found, by an analysis of the desertions from 1826 to 1846, that if we exclude the excess, due to local and temporary causes in 1832 and 1836, there was, as the condition of the soldiers was ameliorated by increase of pay, &c., a gradual diminution in the proportion of desertions, and that when the difference between the pay of the soldier and the value of the corresponding classes of labor in civil life was slight, they were comparatively infrequent, being, at two different periods, only 7½ and 4½ per cent. of the actual strength of the army, and that they increased in a direct ratio with the increasing prosperity of the country, reaching, when the disproportion was greatest, 21 per cent. The same causes influenced, as was to be expected, the number of re-enlistments, the proportion in the last four years being only 17 per cent., while in the three years immediately preceding the war with Mexico it was 25 per cent. of the number of discharges by expiration of service.

These results may be traced to two principal causes:

1. The disparity between the pay of the soldier and the value of labor in civil life.

2. The fact that length of service carries with it no reward, either in increased pay, rank, or privilege.

Both these causes are the fruitful source of dissatisfaction and desertion, and they prevent the re-enlistment of the most valuable men. There are other causes that have their influence, but do not materially affect the general results.

It may aid in the consideration of these results, and in the suggestion of remedial measures, to state some of them in another form:

Thus, in an army of ten thousand men, which is about the actual strength of our military establishment as at present or-

ganized, there will be annually, under existing circumstances of pay and service—

1,290 discharges by expiration of enlistment.
726 discharges for disability, &c.
330 deaths, and

1,465 desertions, or 3,811 vacancies annually, of which only 219 are filled by re-enlistments. The actual annual loss to the army, to be supplied by the enlistment of new men, will therefore be 3,592. In other words, more than one-third of the army must every year be recruited, and transferred from the depôts to their regiments abridging very materially the term of the soldier's efficient service. It is found that a majority of the resertions, and a very large proportion of the disabilities and deaths, occur in the first year of the enlistment. It will, therefore, be of paramount importance, in devising any measures for keeping the ranks of the army full, to adopt such as will prevent as many desertions, and induce as many re-enlistments, as possible. Every desertion that is prevented, and every re-enlistment that is induced, saves the expense of the enlistment and transfer of a recruit from the place of enlistment to his company, the time (often of the utmost importance) occupied in this transfer, and the danger of death or disability in becoming acclimated.

The remedial measures that immediately suggest themselves are—

1. An increase of per cent. of the present pay of the soldier.

2. An additional increase for each successive period of five years, so long as he shall remain in the army.

3. Provision for the promotion to the lowest grade of commissioned officers of such of the non-commissioned officers of the army as may be found qualified for, and by their conduct, character, and services entitled to, such advancement.

The depreciation in the value of money, as measured by the wages of labor and the cost of all the necessaries of life, has been so great, that the pay of the soldier is, relatively, less now than it was prior to the increase granted by the law of July 7, 1838.

The necessity and propriety of the second measure proposed are believed to be equally great; but, in order to elucidate it, it will be necessary to exhibit some of the data upon which this opinion is based. With regard to the proposed increase of pay for length of service, it is suggested—

1. That every soldier who, having been honorably discharged

from the service of the United States, shall, within one month thereafter, re-enlist, shall be entitled to $2 per month in addition to the ordinary pay of his grade for the first period of five years after the expiration of his first enlistment, and a further sum of $1 per month for each successive period of five years, so long as he shall remain continuously in the army.

2. That soldiers now in the army who have served more than one enlistment shall be entitled to the benefits of this provision according to the length of their continuous service; and that service during the war with Mexico, although for a less period than five years, shall be counted as five years' service.

3. That soldiers who served in the war with Mexico, and received a certificate of merit for distinguished services, as well those now in the army as those that may hereafter enlist, shall receive the $2 per month to which that certificate would have entitled them if they had remained continuously in the service.

Skill and experience, in all branches of business and departments of labor, meet their appropriate reward, not only in civil life, but in all the departments of the government, except among the enlisted men of the army, where the recruit of yesterday, for services utterly disproportionate in value, receives the same compensation as the veteran of thirty years. The justice of increasing the soldier's pay according to the value of his services is obvious, and the economy of doing so is susceptible, it is believed, of easy demonstration.

With the extension of our territory, the cost of sending recruits to their regiments has enormously increased; and it is estimated that the expenses of the enlistment, the transportation and subsistence, the loss by desertion, and by deaths and discharges for disability of unacclimated recruits, will average $91 for each man enlisted under the present system. If to this be added the pay, clothing, medical attendance, &c., of the recruit, from his enlistment until he joins his company, the actual cost of each man, from his enlistment until the period when his actual service commences, will be $121.

If the suggestion above made, for increasing the pay of the soldier according to length of service, should be adopted, and should be as successful as is anticipated, it is believed that it will, in the course of six years, in connexion with the other measures proposed, reduce the annual loss in the army from thirty-five to ten or eleven per cent. The number of men now in the army who would be entitled to the increased pay which this system proposes is less than one thousand; but the number

would be rapidly increased by re-enlistments, and the maximum number entitled to the increased pay would be attained in six years. This number would be constant, or subject only to slight fluctuations; but as the greater portion of the men entitled to increased pay would then belong to the first and second classes, the expenditure on this account would increase gradually, as the men pass successively from the lower to the higher grades of increased pay, until in about twenty-five years the maximum expenditure on this account will be attained. That limit will also be constant, and will not exceed $300,000 a year. If to this sum be added the cost of enlisting 1,050 men, to meet the annual loss, (say $10\frac{1}{2}$ per cent.,) and the bounty for 1,160, the estimated number of re-enlistments under the proposed system, the cost of maintaining a full organization under that system will be $119 per man, against $121 under the present system. When the value of the services rendered, the superior character of the men, and the consequent diminution of offences, and the expenses they entail, are considered, the economy of the proposed measure becomes apparent.

These estimates are based, as far as practicable, upon known facts, and are conjectural only in that which relates to the working of the proposed system. It will increase the expenditures for the pay of the army only so far as it succeeds in restraining desertions and inducing re-enlistments; and this increase in the pay will be more than correspondingly diminished in the expenditures of the other departments of the army.

The proposition in relation to the extra pay of soldiers who have received certificates of merit, is an act of simple justice to men who, by construction of the law, were deprived of the benefit of the seventeenth section of the act of March 3, 1847. Under the operation of that construction, which virtually reduced their pay, they refused to re-enlist, but it is believed that, to a considerable extent, they would now enlist, if the benefits of the law should be extended to them.

To carry into effect the third measure proposed, it is recommended that the President be authorized, under regulations to be established by law, to confer the brevet of second lieutenant upon such meritorious non-commissioned officers as may, by examination before an army board, be found qualified for the duties of commissioned officers; and to fill a certain portion of the vacancies which may occur in that grade, as now authorized by law, by attaching such non-commissioned officers as supernumeraries to the army, to serve according to their brevet, and be promoted as cadets under like circumstances now are.

There is another class of non-commissioned officers, of long and faithful and often highly distinguished services, who, from want of education, are not qualified to become commissioned officers, but are eminently fitted for, and deserving of, positions of subordinate responsibility and trust. To provide for the advancement of this class, it is respectfully recommended that authority be granted to appoint a limited number of fort keepers, or barracks masters, to be employed at such of our permanent fortifications as are not occupied by troops, and as substitutes for the civil agents employed by the quartermaster and engineer departments, receiving a compensation intermediate between that of the highest grade of non-commissioned and lowest grade of commissioned officers. These duties would be as efficiently performed, and at a diminished expense to the government.

These suggestions, if carried out, will not be burdensome to the service by increasing the number of officers beyond its wants, nor expensive beyond commensurate advantages.

It has been the policy of our government to maintain only a small army in peace; but it should also be our policy to be prepared for the event of war by making that army as efficient as possible—efficient not merely in the operations required of it in the field of battle, but in all the various duties of a campaign, including economy of life and health, and in its capacity for disseminating instruction and discipline among those whom the emergencies of war call into the field unprepared to meet its hardships, and ignorant of the means of guarding against its vicissitudes. In all the operations of war, efficiency and economy, if not synonymous, are at least correlative terms; and that army which is the most efficient will at the same time be the most economical. To attain this efficiency, it is essential that the *personnel* of an army should be intelligent and capable; but it is idle to hope that men of this character can be obtained unless their pay bear a fair proportion to that which they would receive in the corresponding employments of civil life. Patriotism or a sense of duty will not in time of peace fill the ranks of an army; nor will pay alone be sufficient to develop all the elements of efficiency. The hope of advancement is the foundation of professional zeal and success, and this incentive should exist in the army as well as in civil life. Its honors and distinctions should be open to all, that they may incite the ambition and stimulate the zeal of all.

In making these suggestions I have had principally in view the improvement of the army; but it is my opinion, founded

upon the experience of our past history, that, if adopted, they would also produce economical results.

As indicated in a previous part of this report, I respectfully invite your attention to the necessity for an increase of the army. It may be instructive, in the consideration of this subject, to refer to the strength of our military establishment as it has existed at different periods, and to the circumstances that controlled its organization.

In 1808 the legal strength of the army was 9,991, which was increased early in the year 1812, "for the defence of the Indian frontier," to 10,353. The war with England followed soon after this increase, and at its conclusion the "peace establishment" was fixed at 12,383 officers and men, and so continued until 1821, when it was reduced to 6,126. This organization was continued until 1832, when it was increased to 7,129. In 1836 it was increased to 7,958, and in 1838 to 12,139. These last additions were made during the existence of Indian hostilities, (the Black Hawk and Florida wars,) and although previously recommended, with the view of preventing them, were not authorized until their actual occurrence had demonstrated the wisdom of the recommendation. In 1842, at the close of the Florida war, the army was reduced to 8,613, which number, with slight changes, was continued until, in the early part of 1846, the regiment of mounted riflemen was added for the protection of the emigration on the Oregon route, making the aggregate 9,418. At the close of the war with Mexico its organization was fixed at 10,120. In 1850 it was increased by a sliding scale, which admitted a total strength, if all the companies of the army were posted at "remote stations," of 14,731. As they are now posted, the authorized strength is 13,821; but, for reasons which have already been explained, the actual number is less by 3,326 men.

It will be seen by the above statements that, in a period of forty-five years, the military peace establishment of the country has been augmented less than four thousand men. In the same period our country has increased in population more than eighteen millions, and in territory a million of square miles. In 1808, our Indian frontier requiring troops for its protection was less than 1,000 miles in extent, and there were no long lines of communication requiring defence. Now that frontier has increased to more than 3,000 miles; and our communications through the Indian country, traversed annually by thousands of our citizens, and requiring constant protection, to more than 4,000 miles. Our seaboard and foreign frontier have

been greatly increased; and of the latter, over 2,500 miles are Mexican frontier, along which, besides the duty of guarding and protecting our own inhabitants, is the superadded obligation (by treaty) of also protecting the inhabitants of Mexico from the Indians living within our limits. By the annexation of Texas, and the acquisition of New Mexico and California, our Indian population has been increased from 240,000 to more than 400,000, a very large portion of whom, predatory and warlike in their habits, are, for the first time, brought into contact with our people; the result of this is a state of continued disturbance. It has been the policy of our government, by grants of land and preemption rights, to induce the rapid settlement of our western wilds. The intimate contact thus produced between the two races, the proneness of the Indian to maraud, and of the whites to intrude upon the Indian lands, cause constant collision. Aggressions on the part of either lead to retaliation, which unfortunately falls far more frequently upon the innocent and unoffending than upon the guilty; and retaliation leads to war. To repress these disturbances troops must be collected from different points, and transported over difficult and expensive routes, to the scene of the troubles, or the militia of the country must be called out. In either case heavy expenditures, without considering the derangement of business and the loss of life and property, are the consequence. In the mean time other portions of the frontier are stripped of the troops required for their defence; and this weakness invites new aggression, and renders new movements of troops and renewed expenditures necessary for their suppression. As the natural consequence of this, the expenditures of the army are very great in proportion to its strength. A reasonable increase of the army, if it did not entirely prevent these disturbances, would at least diminish their frequency, and produce immense saving of money, property, and life.

The disposition of the army, and the assignment of troops to the frontier departments, have been noticed in another part of this report. The force allotted to each is manifestly inadequate. It cannot be increased in any one of them without withdrawing troops from other points where their presence is equally necessary. Your attention is respectfully invited to the recommendation of the commanding general in relation to this subject. In the views expressed by him I fully concur, except that I am of the opinion that a portion of the increase which he recommends should be attained by the addition of another

regiment, rather than by so great an increase of the company organization.

After a full consideration of what is now and probably will hereafter be required of the army, I urgently recommend that the minimum organization of all companies be fixed, as in the mounted riflemen, at sixty-four privates, and that there be added to the present military establishment one regiment of dragoons and two regiments of riflemen.

This increase is materially less than that recommended by the commanding general, and is considered absolutely indispensable to the proper efficiency of the military service. It will give a minimum organization of 15,528 officers and men, but may be expanded—if the limit fixed by the law of June 17, 1850, be continued—to 17,414, and on a war establishment of 128 privates per company, to 27,818; giving, for a state of war, an effective increase of from 10,000 to 12,000 men, without the creation of new regiments. The experience of the last forty years has demonstrated the wisdom of maintaining, in peace, a military establishment that is capable of the greatest expansion in war. The increased efficiency and economy of companies thus expanded, from a nucleus of experienced and disciplined men, more than compensate for the additional expense of maintaining skeleton regiments in time of peace.

I also recommend that another company of sappers and miners be added to the engineer corps, for the purposes for which the present company was authorized. The usefulness and economy of this class of soldiers has been practically demonstrated, both in peace and war.

The duties of hospital stewards are of a very important character, requiring a considerable degree of intelligence and general knowledge. There is no provision for their enlistment, and it is sometimes difficult to find suitable persons among the enlisted men of the army. It is recommended that authority be given for the enlistment, under the direction of the surgeon general, of as many as may be necessary for the public service, to receive the same compensation as is now authorized by law.

I concur fully in the views expressed by the commanding general in relation to the extension of the pension system to the widows and orphans of officers and soldiers of the regular army, and commend the subject to your favorable consideration.

The experience of every year gives increased force to the recommendations heretofore made for a retired list for disabled and superannuated officers. The casualties of the war with Mexico have greatly increased the number who are in-

capable of the performance of any active duty. The plan recommended by my predecessors for several years past would retire them on a just compensation, promote efficient officers in their stead, and thus greatly contribute to the good of the service without any new charge upon the treasury.

The pay of officers of the army was established many years ago, when the value of money was much greater than at this time. What was then only a reasonable and just compensation is now entirely inadequate; and I accordingly recommend to your favorable consideration the propriety of its being increased in proportion to the increased cost of living. This is only a measure of justice to all, but it is especially due to those whose duties require them to serve at stations where the comforts, and often the necessaries of life, command such exorbitant prices as to place them beyond the reach of those who have no other means than their pay.

The 17th section of the act of March 3, 1847, authorized the President to attach non-commissioned officers who distinguished themselves in the war with Mexico, by brevet of the lowest rank, to any company, and to bestow certificates of merit upon soldiers who were in like manner distinguished. Many of the non-commissioned officers who were recommended for distinguished conduct were not attached, in consequence of a want of qualification, but would have received a certificate of merit if the terms of the law had not precluded it. It is respectfully recommended that the President be now authorized to grant certificates of merit to distinguished non-commissioned officers who were not considered eligible for the position of commissioned officers.

I recommend to favorable consideration the suggestions of the quartermaster general in his report, submitted herewith, for the increase of the comfort of troops in barracks, the augmentation of the allowance to soldiers when unavoidably employed as mechanics, teamsters, and laborers, and also the proposed changes in relation to storekeepers and barrack masters and the settlement of the accounts of disbursing officers.

The act of 1808, for "arming and equipping the whole body of the militia of the United States," makes an appropriation for supplying the several States and Territories annually with such arms and equipments as are used by the United States troops—the quota due to each being determined by apportioning the whole amount according to the returns of the militia made to the adjutant general of the army. These returns are furnished irregularly by some of the States, and by others not

at all; and it results from this irregularity that the actual supplies of arms and equipments furnished to the States and Territories under the law of 1808 are not distributed, as prescribed by that law, "in proportion to the number of the effective militia in each;" nor is it probable that the regularity and uniformity in these returns requisite to apportion these supplies as the law requires can be obtained. The only remedy for this seems to be to adopt the mode of apportioning the arms and equipments to the several States and Territories authorized in the case of the State of Iowa, by the act of March 3, 1853, which was according to representation in Congress.

In connexion with this subject I respectfully invite your attention to the importance of providing the militia of the country with the proper books for tactical instruction. They are furnished with arms at the expense of the United States, and although they are required by existing laws to observe the systems of instruction adopted for the regular army, no provision has yet been made for supplying them with the necessary books for that purpose. According to the estimate of the commanding general, an annual appropriation of $20,000 for a few years would be sufficient for this object.

For the condition of the Military Academy I refer to the report of the chief engineer, and the accompanying highly commendatory report of the last board of visitors, in which you will find further confirmation of the estimate placed on the value and efficiency of that institution. The recommendation of the board to increase the academic term to five years is one which has been frequently presented by preceding boards of visitors, and which is believed to be sustained by important considerations. The low standard of acquirement now fixed to entitle a cadet to admission must often lead to the introduction of those whose previous education has been very defective; and the study of the scientific and military branches included in the course leaves little time for the acquisition of that knowledge of international law, of language, and of literature, demanded by the interests of the service. An officer of the army may often be required promptly to decide upon questions of national law where errors would be seriously injurious to his country; and his reports and memoirs are the channels through which deeds most illustrating his country's history are transmitted to other people and to other times. To raise the standard of acquirement to be possessed previous to admission to the academy would in some degree deprive the institution of its present popular character, by excluding those

who from the want of early advantages could not then pass the preliminary examination. The grade of cadet being the lowest in commission known to our army, should be as it now is, within the reach of youths in every condition of life; and this, together with the fact that by the mode of appointment all sections and all parties are fairly represented, gives to the institution that character which should belong to it as a part of the military establishment of the United States. If, then, a more finished education than that which is to be obtained by the course now prescribed be desirable for the officers of the army, the recommendation of the board for an increase of the academic term presents, it is believed, the least objectionable mode of effecting that object. The estimates submitted for the support of the military academy for the ensuing year are recommended to favorable consideration.

The appropriations for fortifications, made at the last session of Congress, are all in the course of application to the several works for which they were respectively granted. These works were designed to protect interests of great value; but there are other points of seacoast and interior frontier which equally require protection, and the estimates submitted for these also are recommended to favorable consideration, under the belief that when completed these fortifications will be the most reliable, and by far the most economical, mode of defence the government could provide. An opinion has to some extent prevailed that the growth of our country, the increased facilities of transportation, the application of steam to the propulsion of war vessels, and the improvement in implements of war, have lessened, if they have not removed, the necessity for fortifications upon our frontier. This is an opinion which is apt to result from a long continued state of peace, and which history teaches has been usually abandoned when nations have been subjected to the test of defensive war. President Monroe, than whom few will be considered higher authority on this subject, in a special message to Congress, March 26, 1822, urged the completion of the system of defences which was adopted immediately after, and in view of the effects of the war of 1812, and urged his recommendation by the enormous expense, the waste of life and property, and the general distress of the country, which had resulted from the want of such preparations before the commencement of that war; and he further gave this impressive admonition: "Should another war occur before it is completed, the experience of the past marks, in char-

acters too strong to be mistaken, its inevitable consequences; and should such war occur, and find us unprepared for it, what will be our justification to the enlightened body whom we represent for not having completed these defences?"

The increase of our population, attended by extraordinary progress in all the pursuits of peace, has not led to any change in the policy of our government which would indicate in the future a purpose to sustain a large military establishment, or to wage aggressive wars. If, then, in the future as in the past, the policy of our government is to be that of peace, and the citizens of the country are to be relied on for its defence whenever war shall occur, it is not perceived how the past or prospective growth of our country can remove the necessity or propriety of the proposed defences.

The Paixhan gun and other improvements in the implements of war, and the application of steam to the propulsion of vessels of war, seem to me rather to have increased than diminished the value of fortifications. The rapid progress of a steam fleet, by diminishing the opportunity for preparation after the point of attack is determined, increases the necessity of fortifying the main avenues of approach. The Paixhan gun adds to the efficiency, and consequently to the value, of fortifications; for the fire of large shells is more formidable to the timbers and rigging of a ship than to the masonry of a fort, and a steam vessel must expose a larger surface subject to injury than a sail vessel of the same class.

The report of the Secretary of War, in answer to a resolution of the House of Representatives of the 3d of March, 1851, containing the views of the chief engineer of the army and other officers of that corps and of the navy, presents the whole subject under consideration so fully, that it is not deemed necessary to add more on this occasion.

The action of Congress at its last session is considered indicative of the intention to continue this system of defence, and gives reason to hope, that the appropriations asked for at this session for the further prosecution of these works will not be withheld.

The exposed and defenceless condition of the Pacific coast claimed and received the early attention of the department, and prompt measures were taken for the application of the appropriation made at the last session of Congress for the defence of the harbor of San Francisco. But the minute examinations requisite before the commencement of the work, and the in-

quiries to be made as to the places of supply and the means of procuring materials, have limited operations to the preliminary preparations for construction, such as erecting the requisite accommodation for workmen, levelling sites, and making the detailed surveys for the fortifications.

At the last session of Congress an appropriation of $150,000 was made to ascertain the most practicable and economical route for a railroad from the Mississippi river to the Pacific ocean; and the act required that the several reports relative to the explorations should be laid before Congress on or before the first Monday of February, 1854.

The time allowed, and the money appropriated, it is feared, will prove insufficient for the complete solution of this important problem. A vast extent of country was to be accurately surveyed, and numerous lines, thousands of miles in extent, to be examined; and it is hardly, therefore, to be hoped that such data can be collected as will satisfactorily answer the question proposed. But it is confidently believed that much information will be added to the stock previously possessed, perhaps enough to determine the practicability of the proposed enterprise.

The following general sketch of the country to be explored will give some idea of the magnitude of the examination required:

The western portion of the continent of North America, irrespective of the mountains, is traversed, from north to south, by a broad elevated swell or plateau of land, which occupies the greater portion of the whole space between the Mississippi river and the Pacific ocean. The crest of this plateau, or the water-shed of the country, is nearly midway between the Pacific coast and the Mississippi. It may be represented on the map by an undulating line traced between the headwaters of the streams which flow eastward and those which flow westward. It divides the whole area between the Mississippi and the Pacific into two nearly equal portions—that on the east being somewhat the larger. This crest of the water-shed has its greatest elevation in Mexico; and thence declines to its lowest point about the latitude of 32°, where it has a height of about 4,500 feet, between the waters of the Rio Grande and those of the San Pedro, a tributary of the Gila. From this parallel it increases in altitude northward, and reaches its maximum near the 38th parallel, where it is about 8,000 feet high. Thence it declines as we pass northward; and, in latitude 42° 24′, it has an elevation of, say 7,000 feet; and in the latitude of about 47° it

is reported to be at least 1,000 feet lower. The heights here given are those of the lowest passes over the crest or water-shed of the great plateau of the country, and not those of the mountain peaks and ridges which have their base upon it, and rise, in some cases, to the height of 17,000 feet into the region of perpetual snow.

The slope of the plateau, on the east and south, towards the Mississippi and the Gulf of Mexico, is comparatively gentle; and in Texas is by several steps, of which the highest is that known by the name of the Llano estacado, or Staked plain. It is traversed by the Missouri, the Platte, the Arkansas, and other large rivers which rise among the mountains near the crest, and flow eastward and southward in channels sunk beneath the general surface level of the plains.

In latitude 42°, near the source of the Platte, it has an elevation of about 5,000 feet above tide; and in the same latitude on the Mississippi, about 1,000 feet. Towards the sources of the Arkansas, in latitude 36°, it has a height of 4,000 feet; and in the same latitude on the Mississippi, 275 feet. These elevations give an average declination, eastward, to the whole plain, of about four and a half feet per mile, and southward of about two and a third feet.

The crest of the plateau, and nearly the whole of its western portion to the Pacific, is occupied by a great mountain system—the continuation of the Andes of South America. It has a variable breadth, narrowest, within our possessions, near the Gila, in latitude 32°, where it has a width of about 500 miles, and attains its greatest expansion in the parallel of 40°, where it occupies a space of about 900 miles. On this mountain base, as has been said before, are situated a series of elevated peaks, ridges, and ranges. Those on the eastern side are nearly continuous for about 900 miles, and known by the name of the Rocky mountains; those on the western side are perhaps less continuous, though equally elevated above their base, and designated as the Sierra Nevada, Coast Range, Cascade mountains, &c. The whole space between these extreme ranges is occupied by high peaks, and in various directions by a series of ridges, including elevated valleys, and forming great basins, having no outlet to the sea. The most important of these is Salt Lake basin, having an elevation of 4,100 feet.

This mountain region is not, as is frequently supposed, a single chain, but a system extending from a little east of the crest of the water-shed to near the shores of the Pacific, and occupying about one-half of all the space between the Mis-

sissippi and the Pacific ocean. The position of this belt of mountain region, stretching from north to south, gives rise to a peculiarity of climate and soil. Fertility depends principally upon the degree of temperature and amount of moisture, both of which are much affected by increase of elevation; and the latter, also, depends on the direction of the wind. The upper or return current of the trade wind, flowing backward towards the northeast, gives a prevalence of westerly winds in the north temperate zone, which tends to spread the moisture from the Pacific over the western portion of our continent.

These winds, however, ascending the western slope of the mountain ridges, are deprived of their moisture by the diminished temperature of the increased elevation; and hence it is that the plains and valleys on the eastern side of the ridges are generally parched and barren, and that the mountain system, the highest chain of which, known as the Rocky mountains, by presenting as it were a screen against the moisture with which the winds from the west come laden, has for its eastern margin a sterile belt, which probably extends along the whole range, with an average width of about 250 miles.

These general views, derived as they have been from imperfect data, may yet serve to give some idea of the immense magnitude of the work necessary to construct a railway from the Atlantic to the Pacific. No work for artificial communication has ever exceeded it in extent and physical difficulty. Its execution, however, is within the means and power of the American people. The degree of practicability, and the comparative economy and eligibility of routes, cannot be determined without accurate instrumental surveys. An error in the selection of the route may involve the useless expenditure of many millions, and the ultimate value of the work; for this choice should not depend alone on apparent ease of construction, but also upon the productive character and general resources of the country through which it passes.

From the foregoing sketch, it will be perceived that the lines of exploration must traverse three different divisions or regions of country lying parallel to each other, and extending north and south through the whole of the western possessions of the United States. The first is that of the country between the Mississippi and the eastern edge of the sterile belt, having a varying width of from 500 to 600 miles. The second is the sterile region, varying in width from 200 to 300 miles; and the third, the mountain region, having a breadth of from 500 to 900 miles.

Explorations show that the surface of the first division, with few exceptions, falls in gentle slopes from its western boundary to the Mississippi at the rate of about six feet to the mile, and that it offers no material obstacle to the construction of a railway. It is, therefore, west of this that the difficulties are to be overcome. The concurring testimony of reliable observers proves the second division, or that called the sterile region, to be so inferior in vegetation and character of soil, that it has received, and probably deserves, the name of the desert. The construction of a railway through this region will be attended with obstacles which, though not insurmountable, will be scarcely less difficult to overcome than the elevations in the mountain passes of the next division.

Report also gives the character of extreme sterility to much of the country embraced in the mountain region; yet, in the conflict of opinion on this subject, and amid the variety of accounts which have been given of it, doubts have arisen in the minds of many as to the possibility of the existence of such extensive regions within our possessions unsuited to the purposes of man. To settle this question, with which the construction of a railway is intimately connected, the parties have been instructed to collect all the facts which may have a bearing on the capacity of these regions to support human life.

It was necessary, before determining what routes should be explored, to examine the information which had already been obtained. Only three parties had extended their explorations with proper instruments from the Mississippi to the tide-waters of the Pacific. The first and most northern was by the way of what is called the South Pass and the Sierra Nevada. The second, through Santa Fé, the copper mines, and along the Gila; and the third, by the way of the Zuni river and the Colorado.

Other surveys have been made with barometric levels over detached portions of the region to be explored. The information thus obtained, though limited, is specific as far as it goes, and gives just ideas of the elevations and other obstacles to be surmounted. Much valuable and reliable information has also been furnished by the Mexican boundary survey.

The explorations of Lewis and Clarke, who crossed to the Pacific, and those of Colonel Long, while they throw much light on the general geography and topography of the country, and have served to indicate the routes to be explored, do not give profiles of the regions passed over.

Reports from travellers, who have gone over the continent

entirely without instruments, are as various and conflicting as the routes themselves, and even of the same route totally different accounts are given. Any information other than that based on accurate instrumental measurement, though it may be of some importance in indicating routes to be surveyed, is of little value in determining the question of a railway. It is necessary for this purpose to have well-determined facts and not vague impressions.

The expedition of Lewis and Clarke showed the probability of a considerable indentation in the crest of the water-shed of the continent near the forty-seventh parallel of north latitude, and indicated the possibility of a railway route in this region, from the head-waters of the tributaries of the Missouri across to those of Clarke's river.

The party first organized under the act of Congress was the one to explore this line, which claimed the earliest attention, from the known severity and length of the winter, and the necessity of commencing operations early in the year. It was placed in charge of Governor Stevens, of Washington Territory, who was directed to operate from St. Paul's, or some eligible point on the Upper Mississippi, towards the Great Bend of the Missouri river, and thence on the table land between the tributaries of the Missouri and those of the Saskatchawan, to some eligible pass in the Rocky mountains. A second party, commanded by Captain McClellan, under the direction of Governor Stevens, was directed to proceed at once to Puget sound, and explore the passes of the Cascade range, meeting the eastern party between that range and the Rocky mountains.

Taken in geographical order, the next survey directed to be made was that entrusted to Captain Gunnison, corps topographical engineers. He was instructed to explore the route near the thirty-eighth parallel of latitude, by the Huerfano river and Coochu-to-pa, or some other eligible pass, into the mountainous region of the Grand and Green rivers, and westwardly to the Vegas of Santa Clara and Nicollet's river of the Great Basin; and thence northward to the vicinity of Lake Utah. Reliable information, furnished by persons who had been extensively connected with the western explorations of the government, gave such assurance that no railway pass could be found north of Kern river, into either the Sacramento or San Joaquin valley, that it was not deemed proper to expend any part of the limited means appropriated in such a search; and having learned that the Mormons of the Great Salt Lake were making a survey for a railroad from their settlement to

Walker's pass, Captain Gunnison, whose former intercourse with their engineer would enable him to obtain whatever information he possessed, was directed to procure a report of that survey, thus connecting his line with the survey ordered to be made near the thirty-fifth parallel.

Postponing for future operations, if further surveys shall be ordered, the exploration of a route from Salt Lake across the Sierra Nevada to the valley of the Sacramento, Captain Gunnison was directed to return from the Great Basin through the Timpanago cañon, or other passes, and across the Weber and Bear rivers, by the coal basin, to such point of disbandment as his discretion might direct.

The next line is that near the thirty-fifth parallel, which is in charge of Lieutenant Whipple, of corps of topographical engineers. He was directed to ascend the valley of the Canadian river, to pass round the mountains east of the Rio del Norte, and enter the valley of that river at some point near Albuquerque; thence to extend his explorations west through Sierra Madre and the mountains west of the Zuni and Moqui countries, to the Colorado of the west; and, proceeding in the direction of Walker's pass, to continue his survey by the most direct and practicable line to the Pacific ocean. Much testimony in favor of the practicability of this line indicated it as a proper route for exploration.

Another line further south is that suggested by the surveys of Major Emory in 1846, and those of the boundary commission of the last two years. This may be called the line of the 32d parallel. It passes around the extremity of the Guadulupe mountains of Texas, in about latitude 31°, and crosses the Rio Grande near Doña Ana, or Frontera, in about latitude 32°, and thence follows the table lands west to the San Pedro river, and thence along the Gila river to its mouth. A portion of this line passes through the territory of Mexico, and another portion is north of the line of operations of the boundary commission, and consequently these were not included in the boundary survey. The gaps thus existing in this line are to be filled up by the survey of Captain Pope, and that under the direction of Lieutenant Parke, both of the corps of topographical engineers. The instructions to the latter were not given until recently, because the survey with which he is charged requires a part of the line to be run within the limits of Mexico. The Mexican government has, however, removed the difficulty, by granting authority to the United States to make all explora-

tions necessary to determine the practicability of a railway route in this region.

Several partial routes on the Pacific side, to connect, as before described, with those from the east, were directed to be surveyed by Lieutenant Williamson, of the corps of topographical engineers. He was instructed to examine all the passes eastward, from the valley of the San Joaquin and the Tulare lake, and subsequently to explore Walker's and other passes which exist in the high range of mountains, apparently the southern continuation of the Sierra Nevada. The experience of almost every party which has crossed the continent shows the necessity of fitting out a separate party, on the shores of the Pacific, to explore the Sierra Nevada, and the other elevated ranges near that coast. Parties reaching these great barriers from the Atlantic side are too much fatigued and exhausted to make elaborate surveys. It is also necessary that these parties should commence operations early in the spring, in order to complete the field work before the heavy snows interrupt progress.

Copies of the instructions given to all the parties are hereto appended. From these it will appear that the officers of the different expeditions have been directed to observe and note all the objects and phenomena which have an immediate or remote bearing upon the railway, or which may serve to develop the resources, peculiarities, and climate of the country. For this purpose they have been supplied with full sets of instruments for determining the latitude and longitude of places, the courses and distances of the routes, and the topography of the country on either side, within accessible distances; with the means of ascertaining the variation of atmospheric pressure, and other meteorological phenomena; and two of the parties with instruments to determine the direction and intensity of the magnetic force. They have been instructed to observe the prevailing direction of the wind, the amount of rain, the degree of temperature and humidity of the atmosphere. They are also required to report on the geology of the country, to gather specimens of the different rocks and soils, to make collections of the plants and animals, and to collect statistics of the Indian tribes which are found in the regions traversed. The information which will be derived from this series of observations will be of much value in establishing the capacity of the country to sustain population and furnish articles of commerce. The astronomical observations are indispensable in fixing the geographical position of the principal points of the route, and for improving the map of our western possessions. The magnetic

observations are of importance, in accurately tracing the line between the points determined by astronomical observations. It is well known that the magnetic needle has an irregular and sometimes fitful variation, amounting to a difference of eighteen degrees between Washington city and the western coast of Oregon, and the law by which this variation is increased or diminished has not been ascertained.

The meteorology of the country has a direct bearing on the question of the construction of a railway. The amount of snow which will probably be found along the route should be ascertained, and this will depend on the temperature and humidity of the place. As we advance to the north the amount of vapor diminishes, and hence the quantity of snow which falls will be less; but, on the other hand, it will lie longer, on account of the diminution of temperature. It was therefore deemed proper that the hygrometrical state of the atmosphere should be measured by suitable instruments, and the mean temperature ascertained by thermometrical observations of the soil at a few feet below the surface.

A knowledge of the geology of the country is important, as affording essential data relative to the construction and use of the railway. It teaches, in advance of an expensive experience, the obstacle which will be presented by rocks to be excavated, and their fitness for use in masonry, and discloses the presence of sand, which may drift over the track, or damage the rubbing parts of the machinery. From the character of the geological formation is to be inferred the probability of the existence of coal; and, from the dip and strata of the rock, the feasibility of procuring water by artesian wells for the use of the engines; and whether or not the supply may be extended beyond this want, and happily serve for the irrigation of the land. Should this last result be obtained, it would furnish the means to convert a sterile waste into a fertile region, and add to the power and wealth of the United States, by extending their settlements in a continuous chain from sea to sea.

Observations were directed to be made as to the zoology and botany of the country, which enter into the question of the choice of routes, because they are indicative of the capacity of the country to sustain life and furnish materials for construction.

Allusion has been made to the inadequacy of the appropriation for surveys to ascertain the best route for a railroad from the Mississippi river to the Pacific ocean. In determining the route of ordinary railroads through thickly-settled countries,

of easy access, one-half per cent. on the actual cost of construction is not considered too liberal an allowance for the preliminary surveys; and therefore it cannot be expected that the best line of a road which has been estimated to cost one hundred millions of dollars can be located, through an uninhabited and comparatively unknown region, for one hundred and fifty thousand dollars.

There is but little doubt that the best line which can be chosen will present a combination of nearly all the obstacles which have up to this time been successfully encountered by the art of the engineer, and that any haste or negligence which should cause an improper location of the road to be made must lead to consequences which would endanger the success of the whole enterprise.

A striking illustration of the value of opinions not based on instrumental survey is presented in the developments made by Lieutenant Williamson's exploration of Walker's pass. It will be remembered that this famous gap was considered a fixed point, and the various speculations on routes, differing in everything else, generally concurred in tending to Walker's pass. Recent information from Lieut. Williamson establishes the fact that this pass is impracticable for a railway.

The information which has been received from the parties now in the field is too limited and imperfect to justify an opinion on the question proposed by the act of Congress. When the reports of these parties shall have been received, or at the date prescribed by Congress, it is my purpose to submit a condensed statement and map, exhibiting all the reliable information possessed, with profiles annexed of all instrumental surveys which have at any time been made, and which serve to answer the inquiry contained in the act of appropriation under which surveys are now in progress.

If I seem to have pressed the magnitude of the obstacles to a successful execution of the contemplated work, it has not been to suggest the abandonment of the undertaking, but only to enforce the propriety of much caution in the preliminary steps, and the necessity for concentrating all the means which can be made available to the completion of so gigantic a project.

Preconceived opinion or prejudice, personal interest, and sectional rivalry, must be held subject to the developments of instrumental survey, and subservient to the purpose of final success, or the result to be anticipated is failure. And when from the consideration of the magnitude of the difficulties to

be overcome we pass to the importance of the effects to be produced, there is enough to sustain patriotism in the sacrifice of any personal or local interest which may be involved. Its commercial and agricultural advantage, its political and military necessity, have attracted the attention and excited the interest of our whole country. Congress has, by its appropriation, manifested the purpose to obtain such information as will secure a proper location of the road. The necessity for more rapid means of communication has been referred to in other parts of this report when treating of the defence of our southern boundary, the western territory, and the Pacific coast. Duties and interests of vital importance, other than these, arise in the consideration of the construction of a railroad to the Pacific, but, as they do not fall under the charge of this department, I have not attempted to present them; nor have I deemed it proper, in this communication, to offer my views as to the means or the mode by which the general government may constitutionally aid in the attainment of the contemplated object.

The absence of navigable streams in a large portion of our recently acquired territory, and the existence of the vast arid and mountain regions already described, have entailed upon the government a very heavy charge for the transportation of supplies, and for the service of troops stationed along our new frontier, and operating against the predatory and nomadic Indians of those regions. The cost of transportation within that country, for purposes connected with military defence, amounted in the year ending June, 1853, to $451,775 07.

The modes of transportation now used—wagons drawn by horses, mules, or oxen—besides being very expensive, are necessarily circuitous in the routes travelled, slow, and generally so unsatisfactory as to prompt inquiry for means which may be attended with better results. In any extended movement these wagon trains must depend upon grass for forage, and their progress will seldom average more than twelve miles per day. It often happens, in traversing the country just referred to, that long spaces are encountered in which there is neither grass nor water; and here the consequence must be, severe privation and great destruction of the animals employed, if not the failure of the objects of the expedition. These inconveniences are felt in all movements between the distant posts of that section, and seriously obstruct, sometimes actually defeat, the pursuit of the mounted Indians of the plain, who, by their intimate knowledge of the places where the small supplies of water and grass are to be found, are enabled to fly across the most arid

region, after having committed depredations on our frontier population, or upon the trains of merchants and emigrants.

Beyond the difficulties here contemplated in connexion with transportation to the interior, it is proper to look to those which would arise in the transportation of supplies for the defence of our Pacific coast in the contingency of a war with a maritime power. Our experience has been confined to a state of peace, and to the use of routes of communication which pass beyond the limits of our territories. Reasoning from the difficulties which have been encountered in supplying points where it was necessary only to traverse a part of the space which lies between the Pacific coast and the points of supply, it may be claimed as a co—clusion that it would not be practicable, with the means now possessed, to send across the continent the troops, munitions, and provisions which would be required for the defence of the Pacific coast. A railroad, such as has been contemplated, to connect, by the most eligible route, the Mississippi river with the Pacific ocean, would but partially remove the difficulty. It would serve to transport troops and to supply depôts along the route and at the extremity of the line, but there would still be a vast region of the interior too remote from its depôts materially to feel its effect.

On the older continents, in regions reaching from the torrid to the frozen zone, embracing arid plains and precipitous mountains covered with snow, camels are used, with the best results. They are the means of transportation and communication in the immense commercial intercourse with central Asia. From the mountains of Circassia to the plains of India they have been used for various military purposes—to transmit despatches, to transport supplies, to draw ordnance, and as a substitute for dragoon horses.

Napoleon when in Egypt used with marked success the dromedary, a fleet variety of the same animal, in subduing the Arabs, whose habits and country were very similar to those of the mounted Indiăns of our western plains. I learn, from what is believed to be reliable authority, that France is about again to adopt the dromedary in Algeria for a similar service to that in which they were so successfully used in Egypt.

For like military purposes, for expresses, and for reconnoissances, it is believed, the dromedary would supply a want now seriously felt in our service; and for transportation with troops rapidly moving across the country, the camel, it is believed, would remove an obstacle which now serves greatly to

diminish the value and efficiency of our troops on the western frontier.

For these considerations it is respectfully submitted that the necessary provision be made for the introduction of a sufficient number of both varieties of this animal, to test its value and adaptation to our country and our service.

In connexion with the means to be adopted, to overcome existing difficulties in the transportation of troops and army supplies, I further invite your attention to the condition of Fort Yuma, at the junction of the Gila and Colorado rivers. It is now supplied from San Diego, by the overland route, at enormous expense.

Attempts have been made to send supplies through the Gulf of California and the Colorado river; but the latter, by reason of the shoals at its mouth, not being practicable for sea-going vessels within a considerable distance of our southern boundary, it becomes necessary, at some point within the limits of Mexico, to transship on light-draught boats, or to haul the stores across the Mexican territory. The importance of possessing a port for this purpose is too apparent, under existing circumstances, to require or justify explanation.

The works of harbor and river improvement have made satisfactory progress during the past season, under the direction of the chiefs of the two corps of engineers; to whose reports, herewith submitted, I refer for particular information in regard to them. These reports have been made in more than usual detail, in order to embrace the information which the Senate, by a resolution passed the 3d of March last, requested the department to transmit with the annual report.

The appropriations for these works having been made in August, 1852, the arrangements for executing a large majority of them had been made before I entered upon the duties of this department. In determining upon the few plans that have been submitted to me, my view has been that such only should be adopted as could be executed with the existing appropriations. The general provision in regard to these works is a simple direction to apply a certain sum to a specified object, without any intimation of an intention on the part of Congress to make further appropriations, and I deemed it to be improper to expend those appropriations in commencing works on a scale which the department has not means to complete, and which must in a great measure be lost, unless Congress make further appropriations for them. These views, however, were not held by the department when most of the works authorized by the

act of August, 1852, were planned; but the mode, extent, and cost of the several improvements, seem to have been considered as matters of discretion, and the plans adopted for their execution do not appear to have been governed in regard to cost by amounts of the appropriations, but would require for their completion large additional grants, amounting in some cases to almost tenfold the original appropriations. In some cases corporations and associations of citizens have come forward with offers of voluntary contributions in aid of the appropriations made by Congress; but as it was not deemed competent for this department to receive money from such sources, either by way of loan or gift, a regulation was adopted, under which States, cities, corporations, or individuals, desiring to aid any work, are permitted to construct portions of it under the direction of the officer in charge, who superintends their operations, and audits the accounts for work done, for payment by the contributing parties, but does not receive the money, or assume any control whatever over it. Such parties, moreover, have been distinctly informed that they were to have no claim whatever upon the government for reimbursement of the expenditure thus made by them.

In the prosecution of these works of internal improvement, the department has encountered some of those difficulties which were to be expected from the indefinite nature of its powers in regard to them. In a recent case, the right of the United States to a pier erected for the improvement of a harbor was disputed by the riparian proprietors. The pier, which had originally abutted on their lands, caused an accretion which followed its extension far into the lake, and these parties (who were entitled to the accretion, claimed the pier also, as attached thereto. The United States having possessed no title to the submerged soil, or other jurisdiction than that claimed by the general government over navigable waters, the question involved the power to preserve the work. In another case, the improvement of the navigation of a river entirely within the limits of a State, and for which an appropriation had been made by Congress, was found already to have been undertaken by a company under a State charter granted for that purpose. It happened, in both cases, that circumstances existed which rendered an accommodation easy; the riparian proprietors, wanting the pier only for a wharf, were content to hold possession under the government, waiving the question of title; and the navigation company were willing that the appropriation should be expended in furtherance of the

object for which it was made, the plans of operation fortunately concurring, so that satisfactory terms were agreed upon. It is manifest, however, that cases might readily occur, and probably will occur, where the interests of opposing parties cannot be brought into harmony; and I do not feel that the government is acting prudently in expending large sums upon objects which may be converted to individual profit.

Referring to the earlier action of the government upon this subject, we find, in several statutes prior to 1823, the cession of jurisdiction made a condition precedent to the construction of particular works of harbor improvement; and it appears by the language of the act of May 7, 1822, (3 Statutes, 699,) that such cessions were understood to be necessary in all cases, but the requirement was thereafter discontinued, and the practice of obtaining cession of jurisdiction ceased also.

Subsequently, in view of the danger of eviction from public works after the expenditure of large sums of public money upon them, a joint resolution, approved September 11, 1841, required that no public money be expended upon any site or land thereafter purchased for armories, arsenals, forts, fortifications, navy yards, custom-houses, light-houses, or other public buildings whatever, until the written opinion of the attorney general shall be had in favor of the validity of the title, and also the consent of the legislature of the State in which the land lies shall have been given to the purchase. But, so far as I am advised, this department has not construed this act to apply to the sites of structures for the improvement of harbors or rivers, or deemed it necessary to purchase land, either with or without the consent of the legislature of the State, for any such purpose.

The legislation of Congress, and the past action of this department, both having necessarily received the approval of each President under whose administration they occurred, did not leave me at liberty to regard it as an open question, whether or not the act does properly include within its meaning such constructions as are made for the protection and improvement of harbors and rivers. To guard against the conflict of jurisdiction, which may equally arise on the site of a pier, a jettee, or breakwater, as upon that of a fort, dock-yard, or custom-house, and warned by recent experience of the probability of such occurrence, it is submitted whether future appropriations, if any shall be made for such constructions, should not be subjected to the requirements of the act of 1841 above referred to, and the conduct of the government thus be made to cor-

respond with its earlier action, and conform more strictly to the provisions of the 8th section of the 1st article of the constitution in relation to the purchase of places for the erection of forts, magazines, arsenals, dock-yards, and other needful buildings.

The difficulties here referred to would be readily avoided by adhering to the practice of the earlier period of the government, in giving the consent of Congress to the laying of tonnage duties by the States for works of internal improvement, or by pursuing the policy recommended by President Monroe, and restricting the appropriations to works to be commenced and executed under State authority. The barrier thus sought to be interposed by President Monroe rested on a distinction which seems soon to have been forgotten or disregarded; and in 1848 President Polk endeavored to restore the government to its original policy, proposing, as a substitute for appropriations from the public treasury, that by State legislation, and with the consent of Congress, tonnage duties should be laid for purposes of harbor and river improvement. This mode, than which none could be more equitable, none more consistent with that principle of equal burdens and benefits to every section which pervades the constitution and characterizes all its provisions, would certainly avoid that conflict of jurisdiction to which attention has been invited, and in all places having a considerable commerce, subject to the imposition of tonnage duties, would be entirely adequate.

For the protection of ships-of-war and of commerce from storms and the attacks of hostile fleets, lake and seacoast harbors of refuge are essential adjuncts to other means of national defence, and intimately connected with the maintenance of a navy. As such harbors would sometimes have little or no commerce, and then special duties and taxes could not be made available for their improvement and protection, it would be requisite in such cases to treat the constructions as government works, and to acquire the right of soil and jurisdiction over the site.

The public right of use of all the navigable waters of the United States belonging equally to all their citizens, and some of the rivers of our country washing many States, and consequently not subject to the jurisdiction of either, these national highways bear peculiar relations, as such, to the powers and functions of the general government. Its dependence upon them for the transportation indispensable for the defence of the frontiers, and the other vast interests which are involved,

are so well known that it cannot be necessary to enforce or elucidate them.

In considering these necessities and interests, one is forcibly reminded of the change which has occurred in the condition of our country since the date when the Union was founded.

Population and commerce are no longer confined to tide-water and the neighborhood of the seacoast, but the unexplored wilderness has become the seat of populous States and of commercial cities. The application of steam to river navigation has borne the tide of commerce for thousands of miles beyond the tide of the sea; and a case is herein presented which the framers of the constitution could not have anticipated or specifically provided for.

If the enjoyment of this public right, and the interest and convenience of the general government, shall be deemed sufficient to warrant further operations for the removal of temporary and accidental obstructions in their natural channels, additional appropriations will be required for the expenses of the steam dredges and snag-boats; but if Congress shall decide to discontinue their employment for this purpose, it will be advisable that directions should be given to dispose of the boats and other means which have been provided for their use, before deterioration and decay shall have rendered them valueless.

Within a few years past an unusual number of suits have been brought against officers of this department, some being actions for damages for acts done by officers in the performance of their duty, and others attacking the title of the government to public property of great importance, or involving rights of more or less consequence. It has been usual, when the department has employed counsel, to engage in preference the services of the district attorneys; but it is not their duty to attend to such suits, and it is therefore necessary to make special contracts with them, in the same manner as if they were not in the public service, and to pay their fees from the contingent fund of the department. It would, in my opinion, be for the public interest that the district attorneys should be required by law to take charge of all suits involving the interests of this department; and that their fees for such service being regulated by law, should be audited and settled by the proper accounting officers.

The survey of the lakes, as it progresses, continues to afford results of practical usefulness.

No appropriations for military and geographical surveys west

of the Mississippi have been made for some years past; but with the remains of former appropriations, some explorations, promising results of much value, have been undertaken. It is to be hoped that Congress will concur in the expediency of continuing these appropriations, which have afforded the means of obtaining that general information respecting the interior of the continent which is so necessary to the government, and of such essential advantage to the population now spreading itself over those territories.

Contracts have been made for the continuation of roads in Minnesota, agreeably to the provisions of the act of January 7, 1853, making appropriations therefor. An act of the same date directs the construction of two military roads in Oregon. Each of these was placed in charge of a competent officer, with instructions (copies of which are annexed) to locate and mark the line of the road as speedily as possible, and so to direct his operations as to secure a practicable wagon road for the benefit of the fall emigration and other travel. The commencement of one of these works was delayed by the difficulty with the Rogue River Indians; but a contract was made for rendering the other, from Walla Walla to Steilacom, passable by the 15th of October last, and it is presumed its conditions have been fulfilled.

By the third section of the law approved March 3, 1853, it is enacted, "that the Secretary of War be directed to report to Congress whether, in his opinion, it would not be more economical, proper, and advisable, to cause all the arms of the United States to be made by contract." In complying with this requirement, I shall exclude all political considerations involved in the question of manufactures by the general government; and, as I suppose was intended, confine the expression of opinion to the relations the subject bears to the military service, and to the relative merit of the existing system, and that of contracting for the manufacture of all arms. Viewing the armories as a part of the military preparations for the common defence, it is deemed essential that they should be under the control of the War Department, and advantageous, if not necessary, that such establishments should exist under the charge of competent and experienced officers of the army, to the end that a uniformity may be obtained, and all the improvements and efficiency secured, which professional zeal and skill would seek and produce. To this, the existing state of the case, as a standard, I have referred the proposition to make all arms by contract, and have reached the following conclusions:

1. As to the economy of the measure. Under a proper administration of a national armory, it is believed that arms can be obtained cheaper by government manufacture than by contract. Labor and all materials may be obtained upon as good if not better terms by the public than by private armories, because of the greater promptness and security of payment. The permanence of employing must constitute an inducement to workmen to enter the national workshops. But suppose these things to be equal, and the disadvantage cannot certainly be on the side of the government, it follows that the original cost would not be greater in the public than in the private armory. To this, in the case of the government manufacture, there is nothing to add; but in the case of the private contractor there must be a profit on the manufacture, not only sufficient to cover the interest on the investment, but also the hazard which will attend a contract necessarily made for a short period. Experience has established several facts which seem to my mind conclusive as to the economy of the present mode of manufacturing small arms. Since the year 1840 the cost of making *muskets* has been so much reduced as to exclude competition, and no contracts for them have since that year been made. The price paid for those then contracted for was as high as $16 25 for some, and not less than $14 50 for the residue. At the national armories the prices averaged about $10 for muskets. Since 1840 the contract price for rifles, based on the cost at the national armories, has been reduced from $14 50 to $11 62½ each, which exceeds the cost of that arm at Harper's Ferry armory, during the last fiscal year, by $1 60.

Without the practical knowledge of the actual cost of manufacturing arms now secured to the government by the results at the national armories, there would be no standard for determining proper rates for contracts, and without the means which these armories afford to supply the wants of government, there is reason to believe it might be subjected to extraordinary prices for arms required from time to time.

2. As to the propriety of the measure. It is believed that national establishments for the manufacture of arms are necessary, to improve their models and to keep up the standard of materials and workmanship. Whilst the interest and professional reputation of an officer of the army in charge of a national armory would impel him to introduce all improvements, his military associations would lead him to learn, and his military experience teach him, the value of new modifications,

made either in his own or other countries. On the other hand, the interest of the private contractor would be to reproduce indefinitely the model originally furnished to him; because every change would require either the abandonment of his tools, machinery, &c., or a modification to adapt them to the manufacture of the improved model. For this reason, and also because his workmen would be less expert upon a new modification than upon a form to which they were accustomed, every change would be to the contractor an evil in which he would see increased trouble and diminished profits.

The national armories are also necessary to keep up the standard of workmanship and finish in the contract establishments. The arms made by contract are subjected to inspection by workmen detached from the national armories for that purpose. These inspectors, when not employed in the contract service, resume their positions at the national armories, and return to each contract inspection with a refreshed recollection of the standard of excellence of the government work. This advantage would be lost if all arms were made by contract; and the tendency would be steady deterioration by the slow and imperceptible sinking of the standard, instead of the improvement which has resulted from the furnishing of new models and constant improvements in the government manufactures, to which the inspectors require the contract arms to conform.

3. As to the advisability of the measure. If the views taken under the two other heads be correct, it follows that it would not be advisable to make all arms by contract. Neither would I think it wise to restrict the manufacture of all arms to the national armories. Pistols, for instance, are now made by contract, because the number required by government is so small that it was deemed more economical to procure them by contract than to provide the separate machinery and tools required for their manufacture, at least until a model for that arm shall be adopted more satisfactory than the one now in use, and likely, therefore, to be more permanent. Also small numbers of particular arms are sometimes required; and in such cases it may be better to procure them by contract than to provide the machinery required for their peculiar construction. But it is still more important that the government should have the power to contract for the manufacture of arms in the event of an exigency under which a greater number might be required than the public armories, upon a scale adapted to ordinary circumstances, would be able to supply. Instead of any conflict in the use of the two modes of supply, they are

believed happily to harmonize in the production of cheap and effective firearms. In the last case supposed, the government establishment would furnish the models to private contractors and serve as a guide to fix the price which should be paid; whilst it would protect the government from being driven, by its necessity, to submit to extraordinary demands and perhaps injurious delays.

It is believed that the excellence of the government manufacture has not been quite equalled by that of private contractors, even with all the advantages that now exist in supplying models and inspectors. Upon examination of a report made by the commander of the arsenal, to which the rifles used by the voltigeur regiment in the war with Mexico were returned, it appears that of the total number, five hundred and twenty-three, the two hundred and fifty-seven made at the national armory required the repair of forty-five of their parts—the two hundred and sixty-six made by contract required the repair of ninety-six of their parts; showing a difference in favor of the government arms of more than two to one. The case is believed to be a fair one, and to present conclusive proof of the higher standard of material and workmanship in the government arms.

It is not known whether, by the use of the term "all the arms of the United States," it was intended to include the heavy guns or cannon. I will however remark, that all cannon are now made by contract, Congress having made no provision for a national foundry; and will take this occasion to recommend an appropriation for that object. The just admixture of metals, and the casting of bronze pieces require much mechanical skill and no little scientific attainment. The examination of ores, and the casting of iron into cannon, are subjects which, have attracted much consideration from the Ordnance department, and present a wide field for further investigation and experiment. The rigid inspection which such guns now receive has improved, and is still improving, their quality; but it is believed there would be a more rapid advance in knowledge, and a higher standard of excellence attained, if the advantage of a national foundry were possessed.

While on the subject of procuring arms for the United States, I deem it proper to refer to a matter which has heretofore received attention and been the subject of frequent inquiry—that is, the establishment of a national armory on the western waters. The propriety of having such a national establishment in the west is generally conceded; and perhaps one reason why it has not been done is because the two United States

armories at Springfield (Massachusetts) and Harper's Ferry (Virginia) are sufficient for the manufacture of all the arms required by the government, and the wants of the country in this respect do not require a third. When the two armories were established, they were necessarily both located east of the Allegheny mountains, because the manufacturing facilities of the west were then undeveloped, and neither the material nor the labor requisite for them was of easy procurement there. Now, however, the case is just the reverse.

Besides the more equal and equitable distribution of these national establishments, geographically, the removal of one of them to some proper site on the western waters would be a more convenient and economical arrangement than that now existing. It would save the cost of transporting from a manufactory in the east all the arms required for use and distribution in the western part of the country, either for the government or the militia of the western States. All the materials required for the manufacture of arms are more abundant and cheaper in many places of the west, where motive power, either by water or steam, is readily attainable, and where the services of skillful artisans are to be readily had to any desirable extent and on reasonable terms. These considerations alone seem to render it advisable to establish a western national armory. But when to them is added the fact, that the eastern portion of the country has, for so many years, enjoyed a monopoly of these government manufactories, it appears to settle the question; and as but two armories are wanted to supply all the small arms for the United States, the removal of one of them westward seems the best way of effecting the object. The tools, machinery, and many of the most costly parts requisite for manufacturing, are not difficult of transportation, and may easily and at little cost be sent from either of the armories, and set up in suitable buildings previously constructed for the western armory. The transfer will thus leave no government property behind, but the buildings which may be usefully applied to purposes of private manufacture, and can doubtless readily be disposed of.

The work for the extension of the Capitol, which by your order of the 23d of March was transferred from the Department of the Interior to the War Department, has been prosecuted with due diligence under the special charge of Captain M. C. Meigs of the corps of engineers; and it gives me pleasure to bear testimony to the manner in which that officer has discharged his duty—fully sustaining his reputation for pro-

fessional skill, zeal, and fidelity. He was placed upon this duty April 4, 1853, and directed specially to examine into the condition of the foundation, which had been previously laid, and minutely to inquire into the arrangements for warming, ventilating, speaking, and hearing.

A thorough examination of the foundation was made by excavating down to the soil upon which it rested, and by cutting at different points into or through the masonry. The result was a report that less hydraulic lime had been used than was desirable, but that the strength of the foundation was sufficient for the proposed structure. The arrangements for ventilation and hearing were not found satisfactory, and these being the great objects sought in the proposed extension, certain alterations in the plans were designed, and a board, composed of Professors A. D. Bache and Joseph Henry, was commissioned, May 20, 1853, to make inquiries upon acoustics and ventilation, as connected with the adopted plan and proposed alteration. The board visited and made various experiments in the principal public rooms of the cities of Philadelphia, New York, and Boston. After full examination of the various rooms visited, and a discussion of the phenomena presented, they reported on the 24th of June last in favor of the modifications of the plans for the extension of the Capitol as proposed by Captain Meigs.

To construct a room of sufficient dimensions for the House of Representatives, so as to secure to each member the power easily to make himself heard from his seat at every point in the room, was an object of such high usefulness in legislation, and a problem of such difficult solution, as to require thorough investigation, with all the aids which science could lend; and in view of the many unsuccessful attempts which have been made in our own and other countries to attain that result, success will be, in addition to its utility, an object of just national pride.

In addition to this special object, the modifications proposed were believed otherwise to increase the convenience and facilitate the intercourse of the houses of Congress, and materially to add to the architectural effect of the building. As soon as the plans submitted received your approval, the consequent changes in the foundation walls were pressed with all possible rapidity; and the work has, since then, been steadily prosecuted, without other delay than that which has necessarily resulted from occasional interruptions in the delivery of material; and these have been overcome, as far as might be, by pur-

chases in other markets which could be made available. The stain which appeared upon the marble after it had been placed in the walls created some anxiety, and specimens were submitted to skillful chemists for analysis. The results gave assurance that the discoloration would disappear, and in some instances observation has sustained that expectation. This is the more gratifying, because the marble is of most beautiful quality, and it might not have been possible elsewhere to procure a material which would have corresponded with it.

I refer for further details to the accompanying report of Captain Meigs; and, with a view to a rapid completion of the building, recommend to favorable consideration the estimate presented by him for the fiscal year ending in 1855.

An appropriation was made at the last session of Congress for the purpose of bringing water into the city of Washington. In order to obtain an ample and constant supply, from a source so elevated as to avoid the necessity for the use of machinery, it was decided that the water should be brought from the Great Falls of the Potomac, through a conduit nine feet in diameter. Upon the adoption of this plan, immediate application was made to the legislature of Maryland, in which State the source of supply lies, for their assent to the proposed work, which being given on conditions readily complied with, some portions of the necessary land were selected and purchased, and as soon as the season would permit, a considerable force was put upon the work. The works are estimated to cost rather less than $2,300,000; and when completed will be capable of delivering nearly 70,000,000 gallons of water daily, at an elevation of fourteen feet above the upper floor of the Capitol. For further information and details, I refer to the report of the chief engineer.

I deem it necessary to invite attention to the condition of the public building occupied by this department, which contains accommodations for less than half its bureaus; and not being fire-proof, but on the contrary especially defective in its construction, does not afford proper security for the numerous papers and records, the loss of which would be irreparable. This subject has been repeatedly urged upon the attention of Congress by my predecessors, and I concur with them as to the necessity of providing a fire-proof building, of sufficient dimensions to accommodate all the bureaus connected with this department.

To the accompanying reports of the commanding general of the army and the chiefs of the several branches of the military service, I refer for full information in relation to the duties

with which they are respectively charged. For the success which attends the administration of army affairs, we are in no small degree indebted to the ability, experience, and good faith of these officers. The report of the commanding general exhibits the distribution and numerical strength of the army, and shows how disproportionate our small military establishment is to the duties required of it. Professional skill, zeal, and fidelity, have done much to compensate for the want of numbers; but the increased privation, toil, and danger, incident to a service so varied and extensive, have greatly added to its list of casualties during the past year.

I have the honor to be, very respectfully, your obedient servant,

JEFFERSON DAVIS.

To the President.

Alex M. Clayton to Jefferson Davis.

(From New York Historical Society Collections.)

Steam Ship Blk Warrior
December 17 1853.

Hon Jeff: Davis
Secty of War,
Dr. Sir.

My health has declined so materially during my short stay in Havana, that I deemed it an act of justice to myself, to my family and to the Government, to resign the Consulship & return home. I became too feeble to give the necessary attention to its duties, & therefore adopted this course. I regret this result, but under the circumstances, it was almost unavoidable.

I shall always feel grateful to you for your kindness, in this matter, and regret that I have not been able to show more fully, that your confidence was not misplaced. The result is unfortunate to me, in a pecuniary point of view, as well as in other respects. The sickness & death of my relative & Secretary, who died of yellow fever on the 10th inst. was a severe blow to me.

The place is not calculated to confer either profit or reputation at this time.

From the character of the people, I do not think, they will make any movement for their own liberation. They look alone to the United States for relief. The military power is too great, for the people themselves in their present condition, to do any thing in their own cause. I had free conversations, with

some of the most intelligent Creole Patriots, and they are nearly ready to despair. I may advert to this topic, in a future letter, more at large.

Allow me to say a few words, in regard to my successor. The claims of Mr. Robertson, whom I left in charge of the office, will be urged on the administration. Permit me to say to you confidentially that I doubt whether he is entirely suited to the place. He is probably the best in Cuba, but not the best in the United States. This is not intended to do injury to him, but benefit to the Government. It may be well to give a little time, for applications to come in.

The City is not healthy, as yellow fever & cholera both prevail to a degree, unequal at this season.

This is written on board Ship, & on a very rough sea. I fear it may hardly be intelligible.

I should be very glad to hear from you in reply, if only to inform me, whether the administration attaches any blame to me. I am sure, if you knew all the circumstances, you would consider me justifiable.

With assurances of my highest regard & of my lasting gratitude I have the honor

to be very Sincerely
yr frd. & servt.
ALEX. M. CLAYTON.[1]

Address Holly Springs.

Jefferson Davis to Stephen Cocke

(From Mississippi Department of Archives and History.)

Washington D. C.
19th Dec. 1853.

My dear friend,

I have from day to day postponed answering your kind and highly valued letter still hoping to find the quiet which would

[1] Clayton, Alexander Mosby (1801-1889), a jurist, was born in Campbell County, Va., January 15, 1801, was admitted to the bar in 1823; began practising at Louisa Court House, but soon removed to Clarksville, Tenn. He was U. S. Judge for Arkansas Territory, 1832-1834; removed to Mississippi in 1837; was judge of Mississippi high court of error and appeals, 1842-1851; U. S. Consul at Havana in 1853; removed to Memphis, Tenn.; returned to Mississippi; was a delegate to the Mississippi Secession Convention in 1861 and wrote the ordinance of secession. He was a member of the provisional Confederate Congress; district judge of the Mississippi district during the war; circuit judge in 1865 until removed by the reconstruction governor; member and president of Board of Trustees of University of Mississippi, 1844-1853, 1857, 1878-1889. He died at "Woodcote," Benton County, Miss., September 30, 1889.

enable me to write to you fully and clearly on the subject to which you invite my attention.

Constant occupation in the intervals between official calls has not given me such opportunity by day and my eyes do not permit me to write at night. Time presses and I must do what may be done in the midst of interruption.

When I resigned the office of U. S. Senator it was in accordance with that rule of conduct which required me as a democrat to serve my party where they require me, not where my taste or ambition may indicate.[1] Few men will suppose that as a general thing I would prefer the office of Governor to that of Senator, but it may not be generally known that at the time I resigned there were several measures and propositions on which I was engaged and in which I felt great interest. The opportunity has been lost and it is believed disadvantageously to the public interest and my own reputation. A more severe shock however to the latter was sustained by the defeat of 1851, not of myself only but of the foundation principles of my political creed. It is needless now to review that canvass and I will only say in relation to it that I have never considered the result as a decision against the true doctrine of state powers and reserved rights, by a people acknowledged to be democratic. Neither though it has been so written did I or do I believe that the decision was a condemnation of my course in the Senate in which I believe I was right but could not have been wrong as I acted under the instructions of the Legislature and of all the popular assemblies which had spoken.

The record in the meantime leads people at a distance to believe that my conduct was disapproved and my further services rejected by the constituency from whom I had held office.

Under this state of facts I had resolved never to return to public life until called by the people of Missi. and very reluctantly consented to enter the Cabinet.

When under renewed invitation from the President I came here it was not to take a seat in the Cabinet but to prevent any

[1] On September 23rd, 1851, Senator Davis resigned his seat as United States Senator from Mississippi. His resignation was caused by the defeat of the policies of Gov. John A. Quitman who violently opposed the Compromise of 1850 and who was a candidate for re-election as a "State's Rights Democrat." Henry S. Foote, as a candidate for governor, had won a majority of the people to his standard in an election for delegates to a convention called to express the sentiments of Mississippi on the Compromise. Quitman was withdrawn and Davis was called on by his party as a conservative opposed to extreme action, to stem the tide and became a candidate for governor. Foote was elected by a small majority and Davis remained a private citizen until he was made Secretary of War by President Pierce.

misunderstanding as to the feeling I had towards the new administration. Gov. Brown of Mi. Soule[1] Mason[2] and others assured me that it was necessary for the state's rights party that I should accept. The President manifested unusual anxiety, no doubt mainly because of the near personal relations which had so long existed between us, and after telling him that Missi. might call me to the Senate and in that event my first allegiance being due to the state of which I was a citizen, I should have to leave his Cabinet. I desisted from further objection and left the future to its own developments. I also stated to Govr. Brown that if elected to the Senate I should accept and that the matter had been the subject of consideration before I left home, and this was to prevent him from guiding his action by the supposition that I could not be in his way as a candidate for the Senate which I then understood he would be.

This brings me to the present attitude of affairs and my own position as affected by intermediate events. Both must be briefly reviewed and to you who know me so well it is not necessary to be minute.

I have commenced many things in the War Dept. and have become more involved in the general administration than I expected. The President has need of a confidential friend in the Senate and he has manifested much reluctance to see me leave his cabinet. It is doubtful whether I could be more useful in the Cabinet than in the Senate as a supporter of the administration in full communion with the Executive Dept.

It is for my friends at home to decide where I shall serve, and it is for them to judge how the false record of 1851 can best be corrected, and the true position of the state be made manifest to the people of other states. I have no claims to prefer, the people have honored me beyond my deserts and if I have suffered it has been for a cause in the support of which I had as much and no more at stake than every citizen of the state who is permanently identified with its interest and my reward was to be found in the discharge of my duty. If it shall seem best to my friends not to elect me to the Senate they being in the ascendant will know how otherwise to signify their approval of my past conduct and it is left to them whether I shall be temporarily or permanently put out of the line from which a Senator is to be chosen. I will be content with any decision a state right's legislature may make, even though I should chafe at the assumption northern men make that I have

[1] Pierre Soulé, United States Senator from Louisiana.
[2] James M. Mason, United States Senator from Virginia.

been put in the same category with Foote and like him laid on the shelf to promote the peace of our party.

I do not care for station time and other things which sober ambition have taught me the emptiness of the honor which place can confer, but to see the doctrine of state rights affirmed was to me a hope ardently cherished, and to know that I yet retain so much of the good will of Mississippians that they are not willing to see me die without their endorsement is a wish which I have no power to suppress and will not disavow. I have been so hurried in the latter part of this letter that it may be no easy task to construe it. If I have time I will write again tomorrow and more specifically on the points last noticed. It is the mortification at being beaten by such a man as Foote and by such shallow artifices as were used which have made the result of 1851 galling, anything which would remove the barb would answer all the end I ever sought.

As ever your friend

JEFFN. DAVIS.

Hon. S. Cocke.

Yazoo County Democrats to Jefferson Davis.

(From Yazoo Democrat, Dec. 21, 1853.)

Whereas, the Democratic Party of Mississippi, in 1851, called Col. Jeff. Davis from the high position of Senator of the United States, to run for the office of Governor; whereas, at that election, he was defeated by caucus, which many of us considered, and do now consider, unjust and unfair; and, whereas, that every consideration of honor and justice demands that the Democratic Party of Mississippi should replace Col. Davis in the high position which they called him from. Therefore,—

"Resolved, That Col. Jeff. Davis is the choice of the Democracy of Yazoo County for the high and important station of Senator in the Congress of the United States, from Mississippi.

Resolved, That his pre eminent abilities as a statesman, his unswerving devotion to the true principles of the Democratic Party, and particularly to the South, his gallant bearing, both on the field and as a private gentleman, all eminently qualify him for the high post of Senator.

Resolved, That we consider that the Democratic Party would be unjust to itself, untrue to implied obligations—not to tender the place to Col. Davis.

Resolved, That whilst we prefer Col. Davis for that high position, and believe that he is entitled to it, yet, we are not opposed personally or politically to any of the true Democrats whose names have been presented for that position.

On motion the proceedings were ordered to be published in the Yazoo Democrat and other Democratic papers in the State requested to copy.

On motion, the meeting adjourned.

S. S. WRIGHT, Chair'n.

C. W. Wood, Secretary.

Persifor F. Smith[1] *to Jefferson Davis.*

(From the Library of Congress. Manuscripts Division.)

San Antonio Dec^{r} 22nd 1853

Hon. Jefferson Davis
Secretary of War.
Dear Sir

My very close examination of the whole Rio Grande frontier from which I returned yesterday has resulted in a conviction that our boundary is a very bad one. I have not been in favor of the acquisition of much territory especially where it is peopled by a bad race for we have more than enough & the inhabitants of the Mexican adjacent States will never quit their native soil no matter who rules them, not from any affection for their present government but because a change must be for the better. We have received in this state since the troubles on the Rio Grande & especially since the conscription—at least three thousand Mexicans of the worst character now chiefly engaged in "*mustanging*". We have no mountains on our side of the river & consequently no streams; the country is therefore arid & unproductive & affords no supplies to aid in de-

[1] Smith, Persifor Frazer (1798-1858), a soldier, was born in Philadelphia, Pa., November 16, 1798, graduated from the College of New Jersey in 1815, studied law and practised in New Orleans, La. He served as colonel Louisiana Volunteers in the Seminole War, 1836-1838; entered military service in the Mexican War as brigadier general Louisiana Volunteers; entered regular army as colonel of mounted rifles, May 27, 1846; was brevetted brigadier general for gallantry at Monterey and Major General for like conduct at Contreras and Churubusco. He was commissioner of armistice with Mexico in October, 1847; was military and civil governor at Mexico City in 1847 and at Vera Cruz in 1848, and subsequently commanded the Department of California and Texas. He was promoted brigadier general in 1856 and assigned to duty in Kansas. He died at Leavenworth, Kansas, May 17, 1858.

fence, or temptations for agricultural settlers. But on the other side mountains are constantly in sight from the river—& from them descend streams that can & formerly did, irrigate beautiful vallies. You remember those at Punta Aguda, Serraloo, Ramos & other places on our route to Monterey. All these vallies have running streams. On the road from Piedras Negras opposite Fort Duncan down to Presidio del Rio Grande only thirty miles you cross six running streams, while from the same point (Fort Duncan) to the mouth of the Rio Grande on our side you do not cross one. If we had the *southern* crest of the Sierra Madre for our boundary we would possess all these vallies which are capable of supporting a population sufficient to protect the frontier in ordinary circumstances & supplying any army that could be assembled on it. Besides we would then have certain well known passes only to guard, instead of an open line of 500 miles such as the Rio Grande.

The line from Tampico to the mouth of the Rio Grande of the Pacific just below San Blas is still better for there is only about 120 of it passable & it would of course be an easier line to guard; but that Mexico would not yield on account of the valuable mines in it.

Now Santa Anna can support himself only by paying troops & he has no money—He is taxing the inhabitants beyond all bearing—every kind of produce or property on this frontier now pays for its sale & for its purchase ten per cent alcabala, each, so that when a horse is sold five times, its full price has been paid into the treasury. But all this revenue affords him no relief since the public debt is so onerous & is in the hands chiefly of Englishmen to whom many of the custom houses & duties have been transferred & who *will* be paid.

To relieve himself of this debt, Santa Anna,—now Dictator for eight years—would no doubt make any sacrifice that would not jeopardize his position—for then having the whole revenues on imports at his command he would have a full treasury in his hands—Now, would he not give a line beginning at & including—say—Soto de la Marina north of Tampico & running up east of the Bernal to the Southern crest of the Sierra Madre & across to the Pacific so as to include Guymas & Lower California, if we assume his debt to England say, 53 millions & pay some cash to indemnify from Indian ravages—The difference in expense in maintaining the line would in twenty years more than pay the interest of the price & we could better control the Indians—while we would acquire valuable territory.

If we treat with him now he will be able to sustain himself by the means we give him & the relief afforded by the assumption of the English debt. If we postpone it a year he will be overthrown and anarchy will follow; and then we will find no one to treat with:—this was nearly the case in 1848 & is the secret of the peculiar treaty made then—we had so nearly destroyed the government that it was only by our concessions to them that they could be sustained long enough to make a treaty—if we had exacted all we had a right to—the government would have dissolved & a treaty could not have been concluded.

If we simply gave money to Mexico even 100 millions it would never reach the creditors—but if we assume the English debt & pay part in money & issue stock for the rest we shall meet with aid in the negotiation instead of opposition from the English bond holders & diplomatists.

We have no news here from Mexico since Santa Anna's decree assuming the Dictatorship for eight years—Preparations are making for enforcing the conscription again,

With the highest respect your obed^{t} Servt

PERSIFOR F. SMITH
U. S. A.

[Indorsed: Dec. 22. 1853.
Smith P. F. Genl.]

Geo. W. Hise to Jefferson Davis.

(From New York Historical Society Collections.)

California State Prison
Dec 25th 1853

Col. Jeff. Davis.

Sir.

You will pardon the liberty I take in addressing you a few lines, which under any other circumstances, but those I am about to narrate, I never should have taken.

I served under you, in the Mexican War in the Vicksburg Volunteer Rifles Co. H. and was in the Battle of Monterey with you. On Wednesday morning, if you recollect, Co H was called out to take the fort on the opposite side of the creek, from the fort we had taken on Monday, after remaining an hour or two, you wished to go to another fort some 500 yds distant, and asked if there were many men who would accompany you. I was the first man who stepped out. six others followed, but I alone accompanied you to the fort.

I mentioned this, in the hope that it may recall me to your recollection.

I have been living in Valecito, Calaveras County Cal. since 1850, and had claims there and was doing well; last February, a noted Mexican robber named "Joaquin" had been and was committing depredations on the miners, who were naturally greatly excited against the Mexicans, and my previous knowledge of them in Mexico did not much incline me towards them

On the 2nd day of February I was sitting in a store with four others, talking about Joaquin and his party. In the course of conversation Mr. Vilderback, one of the party, observed, that a Mexican named Pizzaro, kept a house as a rendezvous for these robbers; it so happened that, Pizzaro, came up at that very moment and Mr Vilderback told him, that he had spoken to him more than once about holding secret conversations with Mexicans at night, men that were not to be seen during the day and that he would not suffer it to continue any longer—Pizarro said, that the Americans were getting above themselves in that camp that they (the Mexicans) had whipped them once, and could do so again. I got up and said, it was insulting language to use to Americans, in their present situation, and told him, if I was one of the Americans he could whip, to try it, he told me he could give me my dose any time I wanted it. I pulled out my pistol and he started to run, and I shot after him, it was supposed at the time he was killed, but he has since recovered and is doing well. I was sentenced by a prejudiced Court, the Judge said before hand, that he would give me 14 years imprisonment, and he was as good as his word —and here I am for that period.

I am in hopes Sir, that you would make an effort in my behalf, a few lines from you to the Governor of California would go far to restoring me, if not to immediate liberty at least the prospect of it within a reasonable time. Any exertion in my behalf, shall be ever gratefully remembered by me.

Respectfully
Geo. W. Hise

P. S. I have written this letter, Sir, with the permission, and by the advice of Genl. Estill Lessee of the State Prison.
(Endorsed) California State Prison Geo. W. Hise
Requests aid of Col Davis for his liberation

Jefferson Davis to John E. Wool.[1]

(From Letter Books, Secretary of War Old Records Division, War Department.)

War Department
Washington Jany 12, 1854

Brevet Major General John E. Wool.
U. S. Army,
Sir,

In addition to the ordinary duties of the military command to which you have been assigned, it is deemed proper to direct your attention to certain special duties which will devolve upon you.

Among these will be the duty of maintaining our international obligations by preventing unlawful expeditions against the territories of foreign powers. Confidence is felt that you will, to the utmost of your ability, use all proper means to detect the fitting out of armed expeditions against countries with which the United States are at peace, and will zealously cooperate with the civil authorities in maintaining the neutrality laws.

As far as the force under your command may avail, you will protect the territory of Mexico from Indian incursions as required by the treaty of Guadalupe Hidalgo, but a proper degree of protection is not for this purpose to be withdrawn from our own citizens; for the duty assumed by that treaty is not paramount to the obligations of the Government to its citizens.

There is little expectation that the force disposable for service in the Pacific Department will for a long time be fully adequate to the service required of it, particularly as the limits of the

[1] Wool, John Ellis (1784-1869), a soldier, was born at Newburg, N. Y., February 20, 1784, was educated in the common schools and studied law. He was made captain of the 13th Infantry, April 14, 1812; was severely wounded at Queenstown October, 13, 1812; was promoted major April 13, 1813, and Lieutenant Colonel, for distinguished service at Plattsburg, in September 1814. He was made inspector general of the army with rank of colonel in 1816; visited Europe in his official capacity in 1832, and was promoted brigadier general in 1841. He prepared troops for the Mexican War; led the Army of the Center into Chihuahua; as second in command at Buena Vista he selected the position and was brevetted major general and awarded a sword for services there. He was commander of the Eastern Military Division, 1848-1853, and 1857-1860; and of the Department of the Pacific, 1854-1857. He secured Fortress Monroe in 1860, and as commander of Department of Virginia occupied Norfolk and Portsmouth, May, 1862. He was promoted Major General, regular army, in 1862; and commanded Middle Military Department in 1863. He retired August 1863, and died at Troy, N. Y., November 10, 1869.

command are now to be extended to embrace the territory of Utah. You may do much however to prevent disaster, by vigilant attention to movements among the Indian tribes, and by the judicious location of the troops; avoiding towns which need no protection, while they exercise influences injurious to discipline and foster discontent.

The removal of the Indians in California to the reservations provided for them under the Act of the last Congress, will govern in an important degree the disposition of the troops and the location of military posts, and it will greatly increase the control of the military commanders over the Indians there assembled. You should confer freely with the Indian Agents, and give them all needful aid in the execution of their duty, affording them the countenance and support of the military power which are so essential in the negotiation of treaties, and in all dealings with savage tribes.

You will exercise a strict supervision over the expenditures within the limits of your command, taking such measures as your judgment may approve, to prevent purchases or disbursements not actually required for the public service, and to secure public supplies from waste or loss.

Topographical information respecting the interior of the country being of great importance, and as yet extremely imperfect you will cause reconnoissances to be made in connection with all military expeditions

Very respectfully, Your Obt Serv
JEFFN DAVIS
Secretary of War.

Jefferson Davis to John H. Eaton[1]

(From Letter Books Secretary of War Old Records Division, War Department.)

War Department
Washington Feby 9. 1854

Hon. John H. Eaton,
Washington City,
Sir,

At your request I have received and fully considered the claim of Mr. Daniel Nippes to be allowed for certain muskets

[1] Eaton, John Henry (1787-1856), a political leader, was born in Halifax County, North Carolina, in 1787. He practised law in Nashville, Tenn.; was U. S. Senator from September 5, 1818, to March 9, 1829; wrote the Life of Andrew Jackson, 425 pp., Philadelphia, 1817; was Secretary of

made by him, the actual cost of similar muskets made at Springfield Armory in lieu of the price already paid him, in support of which claim you seek to set up a contract to that effect which you say was reduced to writing but not signed by the parties. My conclusions in regard to the matter are as follows:

1. That the evidence entirely fails to establish such a contract. It consists of the testimony of Mr Reddall who, writing from memory, ten years after the transaction, states that such an instrument was prepared by him while a clerk in the Ordnance office, but, he adds, that it was not signed because "some conversation was had by Mr. Nippes and the then Chief of the Ordnance Department upon the subject of an increased number to be manufactured by Mr. Nippes over the 800 per annum"—in other words, Mr. Nippes, as he, himself, states in a paper without date marked D, refused to execute it, in the hope of getting a larger contract, as he says "the smaller number 4000 would not justify my (his) incurring the expense."

From his own statement and that of Mr. Reddall it is obvious that the alleged contract fails in an essential particular—the agreement of the parties as to the number of guns to be made.

But however strong may be the conviction of Mr. Nippes that such a contract would have been given him if he had been willing to accept it, I am convinced from an examination of the correspondence between him and the Department at that period and subsequently, that he is entirely mistaken on that point. Not only is the correspondence entirely silent as to any such agreement, but the Colonel of Ordnance frequently expressed strong doubts of his ability to make the muskets. Only a few months after the time when Mr. Nippes says he was offered a contract for 4000 muskets, the Hon. Mr. Fornance solicited in vain for him an absolute order to make only 1600 muskets, promising that he would not ask the Department for any more work. The utmost he could obtain was permission to make 200 on trial for inspection with the right to make 800 per annum for five years if they were accepted. Even this the Department refused to put in any other form than that of a letter, though strongly urged to enter into a contract to the same effect.

War in President Jackson's cabinet from 1829 to June 18, 1831; governor of Florida Territory, 1834-1836; Minister to Spain under President Van Buren, 1836-1840. He died in Washington, D. C., November 17, 1856.

The inference from these facts which are irreconcilable with the intentions of the Department towards Mr. Nippes, as stated by him, is strengthened by the entire absence of any allusion to such a transaction in the correspondence which was actively going on between the parties at that time and continued for some years after.

2. But even if Mr. Nippes could succeed in establishing the contract which is at once unsupported by the evidence and disproved by contemporaneous records, it would not advance his claim. It is admitted by the Ordnance Department that the price of the muskets made by him was conditional: whether to be regulated by the results of the National Armories, "as the Ordnance Department admits or to be" the actual cost of manufacturing the musket at Springfield Armory" as you contend, still it was conditional and open to future settlement. Under these circumstances Mr. Nippes, on the 14' July 1842, being in Washington, shortly after the delivery and acceptance of the muskets made on trial, wrote to the Department saying it was important that he should have a certain contract, both as to number of muskets as well as price," and proposed to make 1800 muskets per year for three years at the price of $14.50 per musket. The Department declined to vary the number, but an account was stated in his name, in which it was set forth that the price of the muskets had been left conditional, that it had now been settled at $14.50 per musket, that such allowance should be made in addition to the partial payments already made ($12.50 each) for those delivered as would bring the price up to that sum, and those to be thereafter delivered should be paid for at that price. This being approved by the Secretary, Mr. Nippes, at once, drew the additional allowance $1000, for those delivered, and afterwards the price thus agreed on was paid for all the rest as they were completed. Mr. Nippes attempts to get rid of the force of this paper by saying he took what he could get and never acknowledged a *final* settlement; but such a plea is entirely inadmissible on his part after having received the full benefit of its provisions and drawn the advanced price thus fixed; and in my opinion this instrument, in connection with the letter of Mr. Nippes, and his acceptance of the money paid under it amount to a new contract fixing and determining whatever was conditional as to price in any former contract, whether that admitted by the Ordnance Department or that asserted by you.

I am, therefore, of opinion, that the additional evidence produced entirely fails to affect the grounds on which this claim has heretofore been rejected by this Department.

Very respectfully, Your Obt Serv
JEFFN DAVIS
Secretary of War.

Jefferson Davis to Z. Kidwell.[1]

(From Letter Books Secretary of War Old Records Division, War Department.)

War Department
Washington March 20, 1854

Hon. Z. Kidwell,
House of Repˢ
Washington, D. C.
Sir,

I have received the letter, transmitted by you, of Andrew McDonald, representing that he is about to emigrate to Kansas Territory; and asking to be permitted to settle temporarily, until the Indian titles are adjusted, on the military reservation of Fort Leavenworth.

With every disposition to extend all proper facilities to emigrating parties, I regret that public considerations will not permit me to accede to Mr. McDonald's wishes. To protect the discipline of the Army, it has been found necessary, as a general rule, to exclude from the military reserves all persons not under martial law, and the few departures from this salutary rule have usually resulted in inconvenience and embarrassment to the public service. Were an exception made in the present case, for the object stated, it is apprehended that many similar applications would follow which could not well be denied without giving just offence to the parties concerned. But, for the purposes set forth in Mr. McDonald's letter, it is conceived they might be as well, if not better, accomplished by a residence near Independence or West port, as on the Fort Leavenworth reserve—the latter being adjacent to the Western frontier of Missouri, and but a few miles distant from the border towns named.

I am, Sir, Very respectfully, Yr Obt Serv
JEFFN DAVIS Sec War

[1] 1814-1872. Congressman from Va., Thirty-third and Thirty-fourth Congresses.

Jefferson Davis to Reverdy Johnson.[1]

(From Letter Books Secretary of War Old Records Division, War Department.)

War Department
Washington March 22d 1854.

Hon. Reverdy Johnson,
Baltimore,
Maryland,
Sir,

I have the honor to acknowledge the receipt of your letter of the 10' instant representing the insufficiency of the additional fee allowed Mr. McMahon for his services in defending the suit brought by Diggs and others, to recover the site of Fort Washington, and suggesting that a further allowance of $500 would be proper.

The only knowledge I had of the case was derived from the papers submitted by the Solicitor with the account for an additional fee, after the payment of the $500 originally agreed upon. From these it appeared that in November 1846 the District Attorney wrote to the Solicitor for authority to employ additional counsel and proposed to engage Mr. McMahon. "I have," said he, "named to Mr. McMahon, a fee certain of $500. should you prefer some contingent arrangement, please suggest it." The Solicitor submitted the letter to the Secretary of War, recommending the allowance of the fee certain, which was authorized and was unquestionably supposed by the Department to be in full payment for his services. Under the circumstances, however, the Solicitor, in his late report, dated the 24' of January, recommended an additional fee of the same amount to each of the counsel, which was approved. I should regret it, if the smallness of the fee appears to Mr. McMahon

[1] Johnson, Reverdy (1796-1875), a lawyer and political leader, was born at Annapolis, Md., May 21, 1796, graduated at St. John's college, Annapolis, in 1812, was admitted to the bar 1816, and began practising in Upper Marlborough. He removed to Baltimore in 1817; was a member of the State senate, 1821-1825; U. S. Senator from March 8, 1849, to July, 1850; was a delegate to the Peace Convention in 1861; a member of the Maryland House of Delegates, 1861-1862; U. S. Senator from March 4, 1863, to July 10, 1868; Minister to England, 1868-1869; recalled due to "Alabama" claim being unsatisfactory and Senate rejecting his convention with Great Britain. He died at Annapolis, February 10, 1896. He prepared an argument for Mrs. Surratt (charged with conspiracy in assassination of Lincoln) which the court refused to hear. Consult, B. C. Steiner: Reverdy Johnson, 284 pp., Baltimore, 1914.

to indicate an under estimate of the value of his services, but I must decline to reconsider the claim.

Very respectfully, Your Obt Serv
JEFFN DAVIS
Secretary of War

Jefferson Davis to J. Watts De Peyster.[1]

(From Letter Books Secretary of War Old Records Division, War Department.)

War Department
Washington March 31: 1854

General J. Watts De Peyster,
Tivoli Post Office
Dutchess County,
New York,
Sir,

I received on the 23d instant, your letter of the 21' with the accompanying package of books transmitted by you.

I have to apologize for neglecting sooner to acknowledge the receipt of the package sent by you on the 4' instant. The books therein contained, were referred for examination and report to the Ordnance Bureau, and an officer of the Army engaged in compiling tactics for Light Infantry and through inadvertence I omitted to inform you of their safe arrival. Those that have been last received will also be referred for inspection; and, as soon as reported upon, I will inform you of the result—and, if not needed by the Department, the books will be promptly and carefully returned to you.

I learn from the Ordnance Bureau that the Carbine de Vincennes was sent to this country by the French Government in 1849, in exchange for specimens of our arms and accoutrements sent to them at the request of the duc d'Aumale, and the Department has a sample of the only alteration that has been made in it—converting it to a carbine *á la tige*. The Ordnance Bureau thinks the French bayonet waist belt was taken from ours. We have long had such an one in our service, and one was sent with the other arms and accoutrements to France.

Very respectfully, Your Obt Serv
JEFFN DAVIS
Secretary of War.

[1] 1821-1907. Founder of Republican party in New York; brigadier-general, M. F. S. N. N. Y. scholar, author of hundreds of military works; died May 4, 1907.

Jefferson Davis to James Buchanan.

(From Pennsylvania Historical Society.)

War Department
Washington, April 4th 1854.

Sir

Permit me to make you acquainted with the bearer of this communication, Colonel E. V. Sumner of the United States Dragoons, an Officer who served with great distinction in the late Mexican War. Colonel Sumner has been ordered by this Department to Europe to gather Professional information, particularly in regard to the Cavalry Service, by visiting the principal military schools and other establishments in England, and on the Continent.

It would greatly facilitate Colonel Sumner's labors and add to the value of the information collected if he could be favorably presented to the authorities in charge of the different establishments he may have occasion to inspect, and I therefore bespeak for him in this matter your friendly notice and cooperation.

With high respect
Your Obt. Servt.
JEFFN: DAVIS.
Secretary of War

His Excellency James Buchanan,
Envoy Extraordinary &c. &c. &c.
London.

Jefferson Davis to James Buchanan.

(From Pennsylvania Historical Society.)

Washington City
April 5th 1854.

Dear Sir,

Permit me to introduce to your acquaintance and consideration Mr. W. K. King of New Orleans, Louisiana, who is about to visit Europe. Any attentions you may be able to render him will be appreciated by me, as well as by himself and his friends.

Very respectfully
Your obt Servt.
JEFFN: DAVIS.

Hon. James Buchanan
&c. &c. &c.
London.

Endorsed:
Superscription Genl. Jeff Davis
Int. Mr. King.

Jefferson Davis to Charles J. McDonald.[1]

(From Letter Books Secretary of War Old Records Division, War Department.)

War Department
Washington April 13'—1854

Hon. Charles J. McDonald,
Marietta,
Georgia,
Sir,

I have to acknowledge your letter in relation to the selection of a suitable place, at some point in the South, for a depository of arms, and to the establishment of a government Military Institute in that part of the Union. The views you present in regard to the requirements of a proper site to meet the objects of an Arsenal in that part of the country, are just. It is believed that they are met by the Arsenals already established in the Southern States, viz: at Fayetteville, North Carolina, Charleston South Carolina, Augusta, Georgia, Chattahoochie, Florida, Mount Vernon, Alabama and Baton Rouge, Louisiana. The Arsenal at Augusta, particularly, is regarded as meeting the requirements you suggest. It is healthful, convenient of access, in a position favorable for keeping supplies of arms and ammunition, and in the midst of a large white population of the county and city, with organized volunteer companies at any time available, if needful, for its protection, in aid of the enlisted force of Ordnance soldiers stationed there both as a guard, and as a working party. If it be too far to the East to be relied on by the Western frontier of Georgia, and the States adjacent thereto, then the selection of a site for this particular object would probably fall in Eastern Tennessee, as that State has now no United States Arsenal within its limits, and Georgia has the one at Augusta.

As regards the establishment of a Southern Military Academy,

[1] McDonald, Charles James (1793-1860), a political leader, was born in Charleston, S. C., July 9, 1793; removed to Hancock County, Ga.; graduated from South Carolina college in 1816; and began the practice of law in Milledgeville, Ga., in 1817. He was solicitor-general of the Flint circuit 1822-1825; Judge of circuit court, 1825-1830; member of State House of Representatives, 1830-1834; member of State Senate, 1834-1839; governor of Georgia, 1839-1843; delegate of the States Rights Convention in 1850; and judge of Supreme Court of Georgia, 1857-1860. He died in Marietta, Ga., December 16, 1860. His policy lessened the financial disasters in the panic of 1837. He closed the treasury to all warrants except those for which appropriations had been actually made, until a Bill to add twenty-five per cent to the tax budget was passed.

if it be intended for the education of Southern youths exclusively, I fear the tendency would be to create and increase sectional jealousies. Experience has shown that the bringing together young men from all parts of the country, at a period of life when they imbibe lasting impressions, create friendships among Northern, Southern, Eastern and Western youths, remembered in after years, and calling up kindly feelings towards the people of each section from their friends of the other. Those who have received their education at West Point, taken as a body, are perhaps more free from purely sectional prejudices, and more national in their feelings than the same number of persons to be found elsewhere in our country. But, if it be intended to have a Southern Academy for youths from every part of the country, this objection, of course, falls, and the question becomes one as to the expediency of providing and maintaining at considerably increased expense more than one school, which is ample for the education of all the Cadets from every part of the Union.

The climate at West Point has not been found, by experience, to affect injuriously the constitutions of youths from the Southern States; and perhaps, the same would be the case with a Southern Academy in regard to those from the North.

Very respectfully, Your Obt Serv

JEFFN DAVIS
Secretary of War

Jefferson Davis to T. H. Bayly, R. M. T. Hunter and others.

(From Letter Books Secretary of War Old Records Division, War Department.)

War Department.
Washington May 5, 1854

Hon. T. H. Bayly,
" R. M. T. Hunter and others.
Gentlemen

I have received and considered your memorial requesting the renewal of the permission given by Mr. Secretary Conrad in November, 1851, for the enlargement of the Hotel at Old Point Comfort, which, not having been availed of, was revoked by this Department on the 10' ultimo.

With regard to that revocation which, you suggest, would seem to be inconsistent with the implied faith of the Government, I have to state that the permission originally given for the erection of the buildings was, I have been informed, for

temporary purposes connected with the construction of the fort, and was accepted upon such conditions as would authorize the Department, at any time, to require their removal at the cost of the owners. The successive proprietors, among whom were Messrs. Reynolds and Mehaffey, entered into a written recognition of those terms upon taking possession of the hotel. It is obvious that any additions to the buildings would have been subject to the same conditions; and the right to remove the buildings the moment they were erected, necessarily included the right to forbid their erection. The Act of the Department was, therefore, strictly in accordance with the terms of the agreement between the Department and Messrs Reynolds and Mehaffey.

The revocation does not, however, rest solely upon the authority of the Department to terminate at will, the privileges which it had conceded. On the contrary, I am satisfied that the privileges claimed under Mr. Secretary Conrad's order of November 11, 1851 are, in some respects, such as it was not intended to grant. That order authorized the enlargement of the hotel upon plans submitted by General Bankhead in his letters of September 3d and October 6'—1851. In that of September 3d General Bankhead says, "It is not required that the building shall be of greater elevation than that of the old buildings, about 30 feet on the front designated by the letter O, nor a part of the present finished building by *several feet*—of course no reasonable objection to the elevation of the new buildings can be anticipated." In that of October 6' he says "The height of the proposed extension of the hotel here was limited in the application of Mess" Reynolds and Mehaffey to the height of a part of the old buildings to be removed to give place to new buildings."

The obvious meaning of these references to elevations was that the proposed buildings were to be of the height of the "principal buildings already up," viz. 25 feet 4 inches, and several feet lower than "the *highest* point of the present finished building," 32 feet, and point O. stated at 30 feet, but more accurately 31 feet 8 inches, whereas the plans of the buildings, proposed to be erected, in accordance with the privileges granted upon these representations, indicate a height of 34 feet above the ground, which so far from being several feet "below a part of the present finished building," is higher than the highest point of it, and exceeds by more than 6 feet the height of the "principal buildings already up." This is a material variation, because it carries the buildings above the level of the guns, thus masking their fire, and diminishing the

efficiency of the work for the purpose for which the site was granted.

These statements sufficiently answer the claim to erect buildings of the elevation proposed; and considerations of like character forbid the location of buildings of any height upon the open space in front of the gateway of the fort, from which structures have already been removed to unmask the guns placed to defend that approach.

On the condition hereinafter stated, the Department is willing, in accordance with the views expressed in the concluding paragraph of your letter, to give ample space at the other end of the hotel for the erection of all the buildings proposed, restricting them to the elevation of the principal additional buildings already up, as originally contemplated.

To guard against some pretensions that have been set up at this place, I shall require the proprietors of the hotel to make, in writing, explicit renunciations of all claim to the soil, and recognize the full power of the Department to exercise over the buildings the control which has been heretofore asserted.

Very respectfully, Your Obt Serv

JEFFN DAVIS
Secretary of War.

Amos B. Corwine to Jefferson Davis.

(From the Library of Congress. Manuscripts Division.)

Willard's Hotel,
May 5th, 1854

My Dear Col.

I will be obliged to you if you can give me a letter of introduction to the Attorney General. The P. M. General persists in refusing to allow me a commission for monies I advanced whilst in office for his department—although he has a precedent in the usage of the department of State as well as the one over which he presides; and I am determined to refer the subject to the Attorney General.

I have called several times to see you since my arrival in the city, but have not been able, I regret to say, to find you at home.

As I purpose leaving the city this evening, and will thank you, if convenient, to send the letter by the bearer.

With great respect
and friendship,
I am, my dear Col.
Yours very truly

AMOS B. CORWINE

[Indorsed: May 5, 1854.
Corwine Amos B.]

Jefferson Davis to James Maurice.[1]

(From Letter Books Secretary of War Old Records Division, War Department.)

War Department
Washington May 10' 1854

Hon. James Maurice,
House of Repˢ
Sir,

I have the honor to acknowledge the receipt of your letter of the 29' ultimo. Your desire to correct an expression in my letter to you of 27' ultimo in which you are spoken of as declining to join with your colleagues in the nomination of cadets from New York, whereas you state that you have acted, and still act on this question in concert with them.

The expression you object to, referred to the request made by the Chief Engineer on the 6' of March, and by me renewed on the 18' of April. I understood by your letter of April 25' that you declined to join in the measures suggested; and as this appears to be the fact, I do not perceive that my letter needs correction in the particular mentioned.

You "contrast" one sentence in my letter, with a paragraph in the first communication you received from this Department, and add "If the object in submitting the subject to the representatives in Congress, was, as indicated in your letter of the 27' instant, it seems to me it was very blindly expressed in the communication of the 6' of March, sent to me from the Engineer Department.

To this I have to reply that I see no inconsistency whatever in the two paragraphs you have copied as the subjects of contrast. In the paragraph from General Totten's letter you were asked to join with your colleagues in determining the eleven districts in New York from which Cadets should be taken; and you were informed that the representatives from those eleven districts would then be requested to make nominations to fill the vacancies. So far from perceiving that the object in submitting this matter, i. e. the determination of the eleven districts, to yourself and others was "very blindly expressed" by the Chief Engineer in his communication of the 6' of March,

[1] Maurice, James (1814-1884), a political leader, was born in New York City, November 7, 1814; was educated in the public schools; and removed to Maspeth. He was a member of the national House of Representatives from March 4, 1853 to March 3, 1855. He died in Maspeth, N. Y., August 4, 1884.

I do not see that any attempt whatever was made "blindly" or otherwise to elucidate the proposition submitted.

He confined himself to making the request and telling you, if it should be complied with, what would then be done. The object of the Department in making the request, was first stated by myself in answer to a letter wherein you seemed to consider it as calling upon you to surrender some right, or indicating an intention to disregard your rights.

The above remarks are made only in consideration of the importance you appear to attach to the expressions used in my letters. If, however, your letter be intended to signify your dissatisfaction with the reasons assigned, I have only to say that the selection of Cadets rests exclusively in the discretion of the President; and their appointment is the exercise of his constitutional power. The so called right of nomination by the representatives in Congress is simply the right which every citizen has to recommend candidates for office, and though their recommendations are uniformly followed, it is not because they are obligatory upon the Department, but because, in addition to the weight due to any recommendation from that source; the representatives possess a special and almost semi-official knowledge of the legal residence and other qualifications of candidates from their districts.

In like manner, though it must be for the Executive to determine, from what districts, under the law, Cadets shall be appointed, yet as the representatives concerned, possessed information in regard to the changes made in the districts under the recent apportionment, and the equitable considerations arising therefrom, which the Department could not obtain from any other source, it was thought that they could determine with far more certainty than the Department what districts were best entitled to the appointments, and therefore, the subject was referred to them. But as you and others similarly situated have declined to afford the aid which it required the concurrence of all to make decisive, the Department has determined the question upon the best information it could obtain.

Very respectfully, Your Obt Serv

Jeffn Davis
Secretary of War.

Jefferson Davis to Stephen Cocke.

(From Letter Books Secretary of War Old Records Division, War Department.)

War Department.
Washington May 19, 1854.

Hon. Stephen Cocke,
Aberdeen,
Mississippi
Sir,

I have to acknowledge the receipt of your letters of the 21' of April and the 1' of May in regard to the proceedings concerning Mr. Davis' slaves, and complaining that there was a long delay in obtaining the Attorney General's opinions that Mr. Davis has received no satisfactory advice of the action of the Government, and that in the meantime the opinion has been published and found its way into the Choctaw nation.

In regard to the delay in obtaining the opinion, I enclose a copy of a letter from the Attorney General, stating the reasons which rendered an earlier decision impracticable. I can assure you that Mr. Davis' case has received as prompt attention as any other business of the kind. The Attorney General also states some facts to show that no copy of his opinion could have been obtained from his office for publication, and I will add that certainly no publication has been made from this Department, or by any of its officers.

I must express my surprise at the complaint that Mr. Davis "has received no advices of the action of the Government that he ought to be contented with." The document sent you sets forth the right of Mr. Davis to apprehend his fugitive slaves, and to claim the aid of the General Government in so doing; and by it he was informed that the opinion of the Attorney General had been approved by the President, and referred to the Departments, by those officers and Agents, it was therein stated that the necessary aid was to be given. I presume Mr. Davis understood that the Departments would take proper steps to discharge their duty in the premises, and I am at a loss to conceive what he is waiting for. He cannot expect that the slaves will be seized by any one but himself or his agent; it is not the duty of Army officers to relieve him of any trouble or expense in recovering his property, or to do anything which he himself is competent to do. If he proceeds to reclaim his slaves, and the United States Agent for Indian Affairs, to whom he must apply, shall find the aid of the military authori-

ties necessary, he will find them prepared to render it when duly required.

I am, Sir, Very respectfully, Yr obt Serv
JEFFN DAVIS
Secretary of War

Jefferson Davis to Winfield Scott.

(From Letter Books Secretary of War Old Records Division, War Department.)

War Department
Washington, May 22d 1854

Major General Winfield Scott,
New York City,
Sir,

The Secretary of the Treasury has recently transmitted to this Department for its action a report of officers of the Army charged with public money, not held by them for disbursement, among whom you appear as indebted in the sum of $15,417 54/100.

It is found however, that the accounts rendered by you to this Department, in July 1848, to show the disposition made by you of all moneys which came into your hands in Mexico are still unadjusted. I have therefore made the proper certificate for the action of the accounting officers showing the amounts reported by you, as received, and the items for which you claim credit. A copy of the certificate is herewith enclosed.

Under the provisions of the Act of March 3d 1849 (9 Statutes 412) which requires that the moneys received by Army officers in Mexico from military contributions or otherwise be accounted for in like manner as if they had been drawn from the Treasury, the credits claimed by you will be subject to the decision of the accounting officers except in those particulars, wherein the act gives special authority to the President or the proper Department to admit them.

Among the expenditures for the settlement of which special provision is made, are those for secret services, in regard to which, the act provides, "That where expenditures have been made, in the course of the war with Mexico, by the commanding Generals, or under their directions, for secret services, the accounts therefor shall be adjusted and settled in the same manner as is provided for the settlement of accounts for expenses of intercourse between the United States and foreign

nations, under the act entitled "An Act providing the means of intercourse between the United States and foreign nations," passed March nineteenth, seventeen hundred and ninety eight." (Sec 5, 9 Stat. p. 414).

The provisions of the Act of 1798, thus referred to, are as follows: "And be it further enacted, That in all cases, where any sum or sums of money have issued, or shall hereafter issue from the Treasury, for the purposes of intercourse or treaty, with foreign nations, in pursuance of any law, the President shall be, and he hereby is, authorized to cause the same to be duly settled annually with the accounting officers of the Treasury, in manner following, that is to say; by causing the same to be accounted for specifically in all instances wherein the expenditure thereof may, in his judgment, be made public; and by making a certificate or certificates or causing the Secretary of State to make a certificate or certificates of the amount of such expenditures as he may think it advisable not to specify; and every such certificate shall be deemed a sufficient voucher for the sum or sums therein expressed to have been expended." (Sec 2; Stat. 541)

The practice under the Act last cited, I am informed, is for the disbursing officer to submit in writing, evidence of the expenditure, and of the object thereof to the President, who selects and places under seal in the State Department such portion of the accounts as cannot properly be made public, certifying the amount thereof to the accounting officers, and leaves the remainder to be settled in the usual manner.

The credit for expenditures of this description claimed by you amounts to $51,714^{51}$ You furnish satisfactory evidence of the payment of $23,814^{05}$ for such objects, and in regard to the balance $27,900^{46}$ you remark that it was confidentially disbursed by you under circumstances which made it improper to ask for, and impossible to receive, vouchers. You add, however, "I am ready to go, confidentially, into all these differ-"ent sums of receipt and disbursement with the President, the "Secretary of War, or any other member of the Cabinet. I am "under the obligation of public and private honor, according "to the usages of nations and armies, not to disclose names and "circumstances except as above."

It does not appear that any further information has yet been furnished in regard to those payments; and I have the honor to request that you will make the confidential disclosures in regard to them, which you tender in the remarks above cited, in

order that the settlement of your accounts may be proceeded with.

Very respectfully, Your Obt Serv
JEFFN DAVIS
Secretary of War.

James W. Williams to Jefferson Davis.

(From the Library of Congress. Manuscripts Division.)

Holly Springs, May 30th 1854

Respected Sir

Mr Brown, of this state, has taken the position in the Senate that I expected he would take, and it is not my purpose in this sho[r]t letter to you which may be the last to elaborate upon the valuation of public faith in public men, but respectfully to suggest this *heartless,* tortuous and serpentine course will produce, if not immediately checked, a crisis in Mississippi democracy of significant momentum. If I could have a personal interview with you I could shed much light upon the manner by which he prevailed upon your friends to vote for him for Senator. His accomplishments in the art of intriguing & his position with the democratic party overcome me and deprived me of the pleasure of consigning him to his proper fate. I am now fully persuaded from irrefragable facts & arguments that he is the cause of the entailment upon me of much anguish of mind and pecuniary embarrassment. I had 1300 Subscribers to my paper and would have made money & obtained in a few years an enviable position in the democratic party; as it is I am left only out of debt, having given up all my property for the discharge of my liabilities.

I think you & Judge Doughlas will be the Standard-bearers of the democracy in 1856. The platform will be State Rights. You can carry every Southern State; Judge Doughlas can command enough strength in the North, with your strength in the South to elect the ticket. The nominations and the platform will be in accordance with my sympathies & meet the approbation of my judgment. I wish to canvass the State of Mississippi for the ticket & my positions heretofore will perhaps give strength which you would not otherwise have got. All I want is *position* & to be reinstated in the confidence of the democratic party. You are the only man who can accomplish my de ires. I know you have more influence with the President than any other member of the Cabinet. I presume from the signs of

the times that there will be no more consuls sent to Havana. I want an office, and apply to the source from which it can be had, & do not hesitate in doing it; modest discretion is often more available than the plain blunt sentiments of the heart, but such a case is not applicable to my condition. I could perhaps get a petition but petitions have no effect upon great minds. I hope you will send me a commission to fill some station; make your own choice & I will abide the decision. If not I will leave for New Orleans in about six weeks, go in a commission House and act as a clerk until I can acquire means sufficient to pursue my profession. Henry S. Foote says that if I will go to California he will give me an equal partnership with him in the practice of the law; but I will starve to death before I will live in a free-negro state. My grandfather, Robt Williams, of Virginia, commenced life pennyless & friendless, practised law 20 years in partnership with Thomas Jefferson, & left an immense estate after his death. But if I have to pass through life unknown, bury me deep into the infinite Sea & let my heart have a limitless grave.

Respectfully &
Affectionately
Your friend

Hon Jeffn Davis — James W. Williams.

[Indorsed: James W. Williams].

Jefferson Davis to Samuel Cooper.[1]

(From Letter Books Secretary of War Old Records Division, War Department.)

War Department
Washington 31' May 1854

Colonel Samuel Cooper
Adjutant General U. S. Army,
Present,
Sir,

You will, with the least delay, proceed to Boston and there confer with the United States District Attorney and Marshal

[1] Cooper, Samuel (1798-1876), a soldier, was born in Hackensack, N. J., June 12, 1798, and graduated from West Point in 1815. He served as artilleryman and on garrison duty at Washington, D. C. Was aid to General Macomb, 1828-1836; was promoted captain in 1836; was chief of staff to Colonel Worth in the Seminole War, 1836-1837; was on special duty at War Department, 1842-1852; and served as adjutant general with rank of colonel, 1852-1861. He was adjutant and inspector general of the Confederate Army, 1861-1865. He died in Cameron, Va., December 3, 1876. He published A Concise System of Instruction and Regulations for the Militia and Volunteers of the United States, 282 pp., Philadelphia, 1836.

in relation to the disturbances connected with the arrest of a fugitive held to service in the State of Virginia. If the result of your conferences and observations shall be a conviction that the force at the command of the Marshal will not be sufficient to protect the civil officers in the execution of the law, and that mob violence is likely to prevail; you are, in such contingency, authorized to call for any U. S. troops whom it may be practicable to bring to the aid of the law and its functionaries.

If troops shall be so assembled, you will act in conjunction with the civil officers, and the troops must be called on as a posse by the competent civil authority before they act against the rioters.

You are further referred to your oral instructions and to the purpose of the Executive to maintain order and to execute the laws of the United States.

Very respectfully, Your Ob Serv
JEFFN DAVIS
Secretary of War.

S. W. Inge[1] *to Jefferson Davis.*

(From the Library of Congress. Manuscripts Division.)

(Private)

San Francisco
June 1st 1854

My dear Sir

Events which have occurred here, in the enforcement of the act of 1818, since I wrote to you, two months since, induce me again to communicate with you, frankly and freely, on that subject. The prosecutions against Watkins and Emory the vice President and secretary of State, of the so called "Republic of Sonora" terminated in their conviction. This was a signal & unprecedented triumph of the law over popular sympathy & national prejudice. Soon after these convictions, it was ascertained that the Mexican Consul at this place, under instructions from his government had enlisted several hundred Frenchmen as soldiers, in the Mexican army to be transported from hence to Sonora. After the conviction of Watkins & Emory

[1] Native of North Carolina; Congressman from Alabama, Thirtieth and Thirty-first Congresses; United States Attorney for the District of Columbia, appointed by President Pierce, removed to California; delegate to Democratic National Convention of 1856; U. S. District attorney in California; died at San Francisco 1867.

under the 6th section of the law, public opinion demanded the prosecution of the Mexican Consul under the 2nd section. The prosecution terminated in an easy victory over him; but in the investigation of his case, it was most plainly disclosed, that he had acted under the advice of M. Dillon the French Consul. Efforts had been made on the trial of the Mexican Consul, to procure the attendance of Dillon as a witness, which he resisted successfully, by appealing to our consular convention with France. The only motive of Dillon in refusing to come into Court, was an apprehension, that his testimony would criminate himself. His refusal led to a strong conviction upon the public mind of his guilt, and the first Grand Jury which convened after the trial of the Mexican Consul, took the initiative themselves by the adoption of certain resolutions herewith enclosed, which made it imperative upon me to frame an Indictment against Dillon. His trial, has just terminated in a disagreement of the Jury, which stood when they were discharged by the Court, ten for conviction and two for acquittal. I will send you by this mail, a full report of the trial in the "San Francisco Herald." You will perceive, that the speeches of Foote and Baker were written out by themselves, after the trial and after the publication of the Reporters skeleton of my speeches, which went to press wholy uncorrected in any particular. This report of the trial though by no means *accurate*, presents quite a full view of the case and contains sufficient evidence to show, that the unlawful enlistment of soldiers for the Mexican army was abetted and contrived by Dillon, whose object was, to transport a body of Frenchmen to be commanded by De Boulbon, with whom Dillon has been connected for a year past. Notwithstanding the clear implication of Dillon in these criminal acts, I concluded after the disagreement of the Jury, not to prosecute the case further, but to leave the subject for the political action of the government. The result of the trial is in substance a moral conviction; and as all the facts are now exposed and his conduct subjected to almost universal condemnation, I thought it consistent with propriety on my part, to practice forbearance. In the case of the Mexican Consul, also, the court upon my motion, has suspended sentence. It would be intrusive in me to make any political comments upon the facts disclosed in these proceedings. You will be at no loss to perceive, that certain French adventurers with whom Dillon is connected, have for more than a year past, been seeking to promote a revolution in Sonora and the permanent

establishment therein of French influence. But for the example of these persons, it is quite possible that Walkers expedition would never have been set on foot.

I have regretted the necessity of commencing the prosecution against the Mexican and French Consuls in the absence of any advice from Washington; but the report of full information in the first case by Gen Wool; and the action of the Grand Jury in the second case, left me no alternative, but to proceed. The result of both trials however, has been highly important in eliciting the most valuable information for the political consideration of our government, and in exposing all the ramifications of Fillibusterism.

You will have learned before the receipt of this letter of the arrest of Walker and the remnant of his unfortunate band; they are now under Indictment for trial under the 6th section of the law.

The vigorous action of the Government, commencing with the Presidents proclamation on this subject, has exerted a most salutary influence on public sentiment in this quarter. The vindication of the law in the trials which have occurred here, has further confirmed this favorable state of public opinion. I think it may be safely said, that the spirit of unlawful adventure is extinguished in California.

You will see from the report, that Foote is in California; And that he is here the same irritable, absurd and ridiculous personage whom you have so unfavorably known elsewhere, encreasing age has brought no encrease of wisdom and all the lessons of experience have been without profit to him. This is the last country to which he should have brought his worn out wares.

I shall be always happy to hear from you whenever you have time or inclination to drop me a line. Notwithstanding the *apparent* discord manifested in the Democratic party in this State during the past winter, the Administration is irresistibly strong.

Very sincerely
Your friend
S. W. Inge

Hon Jeffn Davis
Secretary of War
Washington D. C.
[Indorsed: S. W. Inge]

Jefferson Davis to C. J. Faulkner.[1]

(From Letter Books Secretary of War Old Records Division, War Department.)

War Department
Washington June 24'—1854

Hon. C. J. Faulkner,
House of Repˢ
Sir

I have received your letter enclosing a slip from "the Valley Democrat" of the 3d inst. in which there is an editorial article charging that this Department, in making the recent annual appointments of Cadets for the military Academy, gave two Cadets to one Congressional district in Eastern Virginia, and none to the "Tenth Legion district." This it denounces as an exhibition of partiality by the Administration for Eastern Virginia and an outrage upon the tenth district.

There is only one district in Virginia, the fourth, which has two cadets at West Point. These Cadets, however, were appointed by the late Administration, and before the State was districted under the recent census. They were residents of the old 2d and 4' districts, respectively, and were appointed from those districts, but by the Act of the Virgina legislature, that part of the 2d district from which its Cadet came, was united to the fourth to form a new district, which has thus two Cadets—not by the Act of this Department, or of this Administration, but by the act of the legislature of Virginia, in remodelling districts from which appointments had been made properly and according to law, under the last Administration.

As the number of Cadets from every State is limited by law to the number of representatives in Congress, it is obvious that if one Congressional district has two Cadets, some other one

[1] Faulkner, Charles James (1806-1884), an American lawyer and political leader, was born at Martinsburgh, Va., (now West Virginia) July 6, 1806; graduated from Georgetown University, D. C., in 1822; studied law and was admitted to the bar in 1829. He was a member of the Virginia House of Representatives, 1832-1833; a member of the Virginia Senate, 1841-1844; a member of the revising legislature of Virginia in 1848; a member of the State constitutional convention in 1850; member of the national House of Representatives from March 4, 1851, to March 3, 1859, and from March 4, 1875 to March 3, 1877. Faulkner was appointed Minister to France in 1859, but his action in influencing Louis Napoleon to favor the Confederacy, caused President Lincoln to recall him in 1861. Upon landing in Boston, he was detained as a prisoner of State in Fort Warren, but was exchanged in December, 1861. Faulkner entered the Confederate army and served on the staff of Stonewall Jackson. He died in Boydville, W. Va., November 1, 1884.

must be without any. This difficulty occurred in Illinois, Ohio and New York as well as in Virginia, those States having been re-districted since the last appointments were made; and the Department in order to determine which districts the loss should fall upon, asked the advice of the representatives in Congress from the vacant districts in each State. They, however, failed, in the two last named States, to agree in any conclusion, and the Department then determined that those of the reconstructed districts should remain vacant from which cadets had most recently been appointed. There was great difficulty in applying this principle as the districts in question were made up of portions of other districts from which appointments had been made at various times, but after the best consideration the Department could give to the subject, the tenth district of Virginia was believed to fall within the rule.

Very respectfully, Your Obt Serv

JEFFN DAVIS
Secretary of War

Jefferson Davis to Brigham Young.[1]

(From Letter Books Secretary of War Old Records Division, War Department.)

War Department
Washington June 28 1854

Hon. Brigham Young,
Governor of Utah Territory,
Sir

The Hon. J. M. Bernhisel handed me your communication of the 30' of November giving an account of the massacre of Capt.

[1] Young, Brigham (1801-1877), President of the Church of Jesus Christ of Latter-day Saints, (commonly known as the "Mormon" Church), was born at Whittingham, Vt., June 1, 1801. In 1829 he removed to Mendon, N. Y., and was baptized into the Mormon church, April 14, 1832. He was immediately ordained an elder, began active service in the ministry, and, in 1835, was elected one of the Council of the Twelve Apostles. He directed the exodus of the Mormons from Missouri into Illinois in 1838, and the following year went to England where with other members of the Council of Apostles he preached and organized branches of the Church until 1841. In 1844 he became President of the Council of Apostles and held this position until elected President of the Church in 1847. After the murder of Joseph Smith in 1844, Young assumed the leadership of the Church and organized the emigration to the West. The Mormons reached Salt Lake valley in 1847. Young selected the site for the temple and carefully planned Salt Lake City. He was Governor of the Territory of Utah, 1850-1858. He died at Salt Lake City, August 29, 1877. Consult F. J. Cannon, Brigham Young and his Mormon Empire, 398 pp., New York, 1913.

T. W. Gunnison and seven of his party, and of the measures taken by you for the burial of the dead, and the recovery of the property lost on that occasion, together with a bill of expenses incurred for those objects.

The Department fully appreciated the humanity and zeal for the public service, as well as the promptness displayed by you in giving the unfortunate victims Christian burial, and in recovering the lost property, particularly the records of the survey which were of special value.

As the bills for expenses incurred by you were certified and presented in your capacity of Superintendent of Indian Affairs, they were sent to the Department of the Interior to ascertain whether they were payable from the appropriation for the Indian service. The answer was that they could not be paid by that Department; and moreover that the bills had been mislaid, and could not be returned. After waiting some time in vain for their recovery, it appears best to advise you to have them made out anew, and on their receipt here, payment will be ordered from the appropriations of this Department.

Very respectfully, Yr Obt Serv
JEFFN DAVIS
Secretary of War.

Jefferson Davis to James Buchanan.

(From Pennsylvania Historical Society.)

Washington City June 28'' 1854

Dear Sir

Permit me to introduce to your acquaintance J. T. McMurran Esqr. of Mississippi, a lawyer and citizen of eminence, who with his family visits Europe on a tour of pleasure and observation.

Any attention you may be able to offer him, will be appreciated by him, as well as by myself and other friends.

Yours
Very respectfully
JEFFN: DAVIS.

Hon. James Buchanan
Minister at
London

Jefferson Davis to S. Adams.[1]

(From Letter Books Secretary of War Old Records Division, War Department.)

War Department
Washington July 25, 1854

Hon. S. Adams
Senate
Sir,

I have the honor to acknowledge the receipt of your letter of the 13' instant enclosing papers relating to the claim of Mr. John Hollohan for pay for making a marble capital for a pilaster of the Extension of the Capitol, and asking for it a favorable consideration.

I have considered the claim in connection with a report upon it by Captain Meigs, and find that the following are the main facts of it.

It appears from a report made by Mr. Walters the Architect of the extension of the Capitol to the Secretary of the Interior in July 1852, that Mr. Hollohan, in January 1851, and before the adoption of any plan for the extension, obtained permission from the Committee on public buildings and grounds, of the Senate, to carve a pilaster capital, similar to those of the present Capitol, he taking the risk of its adoption, in style and material, in the new building. During the progress of his work, a partial payment ($300) was made to him on account of it, for which he gave a receipt, binding himself to make such alteration in it as the architect might require, and, also, when finished, to receive such price for it as the Architect could procure others to cut for, should it be less than that charged by him.

On the completion of the cap, and the demand for payment for it, it was found to be different in style and character from what should be adopted for the Extension, and also that the material used by Mr. Hollohan was different from that adopted for the building.

[1] Adams, Stephen (1804-1857), a political leader, was born in Pendleton District, S. C., October 17, 1804; removed to Tennessee in 1812; attended the public schools, studied law, and was admitted to the bar in 1829. He was a member of the Tennessee Senate 1833-1834; removed to Aberdeen, Mississippi; was a Circuit Court Judge, 1837-1845; a member of the national House of Representatives from March 4, 1845, to March 3, 1847; a member of the State Legislature in 1850; a delegate to the State Convention in 1851; was elected to fill the vacancy in the U. S. Senate left by Jefferson Davis and served from February 19, 1852, to March 3, 1857. He died in Memphis, Tenn., May 11, 1857. There is a short biographical sketch of Adams, by L. E. Houston, in the archives of the Mississippi Historical Society.

These objections were, for various reasons, eventually waived, and the value of the workmanship was left to be fixed by three marble carvers as Arbitrators, who awarded Mr. Hollohan the sum of $800 less the sum already paid to him, in full of all demands, claims, damages &c growing out of or connected with the matter. He received the balance due him, $500, and in his receipt for it relinquished all and every claim on the United States in reference to said Pilaster Capital, and agreed to remove his tools and effects from the grounds and buildings of the Capitol, and thereby fully and effectually to vacate the same, whenever directed to do so by the Commissioner of Public buildings.

Thus the matter ended, and it was considered as a sufficient warning to Mr. Hollohan not to cut another capital. But it appears that he neither heeded it, nor the warning given him by Captain Meigs, last year, against persevering in the matter.

His claim, now, is for another capital which he has finished.

Capt' Meigs reports that the capital already paid for, is an entire loss to the Government, it being different both in design and material from those to be used in the extension, and can never be placed among them. Besides, Mr. Hollohan was paid $215 more for it than "the cutting and setting of the whole Pilaster, Pedestal, Base and shaft and capital is to cost under the contract," made with Provest, Winter & Co.

Under this state of the facts of the case, I cannot perceive that Mr. Hollohan has any just claim on the Government for the second cap, and must therefore decline to give any order to Capt. Meigs to receive and pay for it.

Very respectfully, Yr obt Serv—

JEFFN DAVIS

Secretary of War.

Jefferson Davis to I. I. Stevens,[1] *J. G. Parke and A. W. Whipple.*

(From Letter Books Secretary of War Old Records Division, War Department.)

War Department

Washington July 25' 1854

Governor I. I. Stevens,
Lieut. J. G. Parke,
Lieut. A. W. Whipple,
Sir

You will, with as little delay as possible, furnish this Department with a report of your operations, embracing

[1] Stevens, Isaac Ingalls (1816-1862), a soldier, was born in Andover, Mass., March 25, 1818, graduated at West Point in 1839, and was assigned to the engineers. He was engaged in engineering projects in New England,

1st A map exhibiting the actual line or lines surveyed by yourself and your assistants in your late exploration to ascertain the most practicable route for a rail way to the Pacific— and also a table showing the astronomical points determined for checking the lineal surveys and the data upon which these determinations are founded.

2d A profile of the route traversed, marking each station where a height was ascertained and a table of the results of the observations made, with the barometer or other instrument, by which the relative heights of different points were determined.

3d A condensed statement of the character of the soil, the timber, the supply of water, and as far as ascertained, the depth of snow in winter for every section of the line traversed.

For the immediate use of the Government, the relative longitude and the relative height of points along any given line is required; a discussion of the absolute longitudes and heights, also the preparation of the natural history, geology &c may be deferred without injury to the object now in view.

The map and profile should indicate new routes or lines to be surveyed and those heretofore surveyed, by which obstacles on the line followed may be avoided.

Very respectfully, Your Obt Serv—

JEFFN DAVIS

Secretary of War.

Jefferson Davis to James Shields.[1]

(From Letter Books Secretary of War Old Records Division, War Department.)

War Department

Hon. James Shields, Washington July 26, 1854.

Senate.

Sir

I have had the honor to receive your letter of the 25' instant, informing me that the army Appropriation bill has come to

1839-1846; served in the Mexican War; was brevetted captain for gallantry in the battles of Contreras and Churubusco, and major for gallantry in the battle of Chapultepec; was severely wounded during the assault on the City of Mexico; was in charge of the Coast Survey office, Washington, D. C., from 1849 until his resignation from the army, March 16, 1853; was governor of Washington Territory, 1853-1857; a member of the national House of Representatives from March 4, 1857 to March 3, 1861, when he entered the Union army as colonel of the 79th New York Highlanders. He was promoted brigadier general, September 28, 1861, and major general, July 4, 1862; fought gallantly in the second battle of Manassas and was killed in the battle of Chantilly, September 1, 1862.

[1] Shields, James (1810-1879), an American soldier, was born at Dungannon, Ireland, May 6, 1810; emigrated to the United States in 1826; and began the practice of law at Kaskaskia, Ill., in 1832. He was a member

the Senate from the House of Representatives, with a proviso requiring the removal of the Ordnance officers from the Armories while those works are still continued under the direction of the Colonel of Ordnance, and requesting my opinion of the effect of the proposed change in the law, and, in particular, whether the Department will experience any serious difficulty in executing the two laws in regard to the control and government of the Armories.

In reply I have the honor to say that there will be found that difficulty, in the operation of the two laws, which your letter indicates. The one interposes a civil superintendency between the Colonel of Ordnance and the Armories in order to remove the military control—while the other law requires the military department to continue to exercise the control. Formerly when civil superintendents were placed over the Armories, the direct and efficient control of the Armories, was, by law, vested in the Military Department to which they belonged. The new law will create a difficulty, which, to me, appears practically insurmountable.

It is the decided and repeatedly declared opinion of this Department, founded on the results of actual experience, that the enactment of the proviso, which has passed the House, will seriously impair the efficiency and utility of the National Armories. The law, as it now stands, proscribes no class, but authorizes the President to select persons for the control and management of the public armories, from civil or military life, and affords the greatest possible latitude for proper selection. But, if it shall be determined by law that the public manufactories of arms for the military service ought not to be under the direction of military officers, then I respectfully suggest that those establishments ought not to be continued under the authority of a military department, but made independent of it as a branch of the civil service. The National Armories,

of the Illinois House of Representatives, 1836-1838; State Auditor, 1841-1843; Judge of the Supreme Court of Illinois, 1843-1845; Commissioner of the U. S. General Land Office, 1845-1847; was brigadier-general in the volunteer army July, 1846; breveted major-general for services at Cerro Gordo; was severely wounded at Cerro Gordo and at Chapultepec and mustered out July 20, 1848; was Territorial governor of Oregon, 1848-1849; U. S. Senator from Illinois, 1849-1855; removed to Minnesota in 1855; was U. S. Senator from Minnesota from May 12, 1858 to March 3, 1859; removed to California in 1859; was brigadier general of volunteers from August 19, 1861, to March 28, 1863; removed to Carrollton, Mo., in 1863; was adjutant general of Missouri in 1877; U. S. Senator from Missouri January 24, 1879, to March 3, 1879. He died at Ottumwa, Iowa, June 1, 1879. Consult W. H. Condon, Life of Major General James Shields, 387 pp., Chicago, 1900.

as now conducted, have been, and I think will be highly useful establishments, but if they are to become the objects of class legislation and partizan conflict, I believe it would be better to discontinue them, and to procure arms for the military service from private armories by contract.

I am, however, as assured in the opinion that the munitions of war ought to be provided at public armories under the direction of military officers as that Forts, Arsenals, Navy yards and Dock yards belonging to Government, ought to be controlled and administered by the officers of that Department of the public service with which they are naturally connected. It is not necessary, under such organization, it is not true that the hired mechanics and workmen now employed at the Armories are subject to military law, or restrained of any of their civil rights. Only the officers and enlisted men of the Army are subject to military law—the mechanics hired at all public works, engage only for such term as they please, and leave the service whenever it suits them. That the service is not a hard one, is evidenced from the eagerness with which it is sought. In this respect the nature of the control exercised by the military officers is the same at the Armories as it is at the Arsenals, in the Navy yards, on the fortifications, the works of internal improvement, and wherever hired mechanics engage to execute any work for the military service.

I have serious doubts if the continuance of the Armories in the manufacture of muskets is, at this time, desirable. We have now 600 000 stand of small arms in the United States Arsenals, and a large number have been distributed to the States. The many changes and improvements in fire arms render it unadvisable to accumulate a very large number of one model, and the discovery of weapons of greater range than muskets make it doubtful if the musket will continue to form the principal weapon for foot soldiers.

In conclusion, I would ask why should the National Armories have been specially selected as trusts for which a soldier is unworthy? It is not there alone that mechanics are employed in constructions or manufactures for the military service under officers both of the Army and of the Navy. It cannot be because the military profession implies ignorance of arms, or leads to carelessness in their manufacture.

I believe the proposed exclusion of officers of the Army from the right to be selected as Superintendents of the National Armories to be a discrimination unmerited by their conduct in peace and in war, uncalled for by considerations for the

public good and probably detrimental to the efficiency of our military weapons.

Very Respectfully . Yr obt Serv
JEFFN DAVIS
Secretary of War.

E. B. Buchanan to Jefferson Davis.

(From the Library of Congress. Manuscripts Division.)

La Rochelle Aug 1st 54

My Dear Sir,

I send you a translation of an article from the Paris *Constitutionel,* the "organ" of the Government, on the culture of Tobacco and Cotton in Algiers, of July 25th and also one, from the same journal of the 29th inst. upon the culture of Cotton in the French colonies in the West Indies. All that concerns these two great staples of ours cannot fail to be of interest to the country and I know of no one, in whose hands any trifle which may benefit them can be better employed than by yourself.

The article of the 29th indicates also that the French government feels that it has an *important interest* in the West Indies and this may give some light as to its policy in regard to Cuba.

In connexion with this, an article published in the London "Morning Advertiser" about the arrival of young Soulé in London upon a supposed mission to our minister there about Cuba and the affairs of Spain, has been copied here by the government papers and commented upon in the same strain. It says: "the actual situation of affairs in Spain may appear "to be the proper moment to secure the annexation of Cuba, "to American diplomatists; but they should not forget that "Cuba is a Spanish possession by right and that it cannot "be taken without a violation of the *laws of nations* and it is "also, at the same time, an *European colony,* the *alienation* "of which, *even with the consent of Spain,* cannot be effected "without at least *consulting* the Great Powers which *have* "*colonies* in the Antilles and in the Gulf of Mexico." There can be but little doubt, from a thousand facts, too trifling to detail, and from the whole spirit and tone of the press, which has connexion with the Government, in England and France, that Lord Clarendon let out the truth when he said that the

Alliance was for the settlement of all questions in "both hemispheres."

The late events in Spain and the complete success of the revolution there will arrest your attention. It is the opinion of well informed people in France that the French Government has had much to do with the late movements in Spain. To put her brother on the Spanish throne is an ambitious dream of the French Empress. So soon as the movements commenced the Emperor repaired to Biarritz near Bayonne, on the frontier, and is still there; a camp of observation is also to be formed there and there are things much less probable than that, if controll has not been lost over the movement, a French army may be in Spain in less than a year.

From this point of view, the war looks unpromising with Russia. In the Baltic the Allies have failed; for Napier has done nothing and now awaits the troops, lately embarked, to take the island of Ahland; and Admiral Berkley, in the House of Commons, last week, stated that he had received a letter from him, in which he expressed his belief that Cronstadt was impregnable; and the Russian winter will commence in thirty or forty days. In the Black sea, Sebastopool is yet Russian and there has been no decisive battle between the parties before Bucharest. The principalities are not yet evacuated, Russia holding Moldavia and Wallachia, to threaten Austria.

The condition of Europe is such that, in any contingency which our policy may necessarily create, it has no terrors for our country. I sincerely hope that Cuba and that greatest work of modern times, the Pacific Railroad may give renown to the Administration.

Yrs. truly
E B Buchanan

Hon. Jefferson Davis

[The inclosing envelope is indorsed: E. B. Buchanan
La Rochelle, Aug 1, 1854
To Hon. Jeff. Davis—
Discusses European situation
in regard to Cuba & hopes the acquisition of that Island & the construction of the Pacific R.R. m[a]y give renown to the Administration.]

Jefferson Davis to John E. Wool.

(From Letter Books Secretary of War Old Records Division, War Department.)

War Department
Washington Aug. 18, 1854.

Brevet Major General John E. Wool
Sir,

Your letter of the 30' of May has been duly received. You permit yourself to employ a style of complaint, and even in some degree of reproach to the Department on account of the decision on Capt. Stone's drafts, and the instructions sent to you in my letter of the 14' of April in regard to your authority to suppress illegal expeditions against the Mexican territory. In this connection I will here take occasion to remind you that while you choose to hold the high commission of General in the Army, you assume an obligation to render due respect and cheerful obedience to the authority and orders of this Department.

The Department did not object to the prudence and economy of your orders for the erection of a suitable storehouse in the Ordnance depot at Benicia. Of this you must have been sensible from the terms in which the decision of the Department was communicated to you, and from the further fact that there was no appropriation applicable to the object for which you had ordered the expenditure. If, therefore, Capt. Stone "had been subjected to the sacrifice," as stated in your letter, the responsibility of placing him in that position rested with yourself and not with this Department.

An appropriation was made in the Army Appropriation Act on the 4' instant for the purchase of a site and erection of an Arsenal at Benicia. Under the Act of September 11, 1841 (Cross military laws p. 272) no part of this appropriation can be expended until the Attorney General shall have given his opinion that the title to the site is valid, and the legislature of California shall have given its consent to the purchase. Pursuant to this provision of law the deeds have been submitted to the Attorney General, and an application forwarded to the Governor of California to procure the consent of the legislature. When these conditions shall have been fulfilled the appropriation will be available to refund the amount expended by Capt. Stone in building. To reimburse the expenses incurred by the protest of the draft &c. will require a special Act, which an

effort was made by the Department without success to procure at the last session, but which it is hoped will be passed hereafter.

My letter of the 14' of April is explanatory of the instructions of the 12' of January, so far as relates to unlawful expeditions against the territories of foreign powers. It is not necessary to argue whether your construction of them is sustained by their letter. It is sufficient to the Department to presume that the interpretation you originally put on them was sincere, and that you acted in accordance with that interpretation; but when you received my letter of the 14' of April, stating to you the construction that the Department designed you to place on your instructions, you should have been content to act in conformity thereto. Doubtful questions may arise in regard to the powers vested in the President to enforce our neutrality laws, and the extent to which he may devolve authority for that purpose upon military officers. These laws have not yet received, in all points, a full judicial consideration. But it is understood from the language of the Supreme Court that the President *may* authorize a General in command to use his command *directly* against violators of these laws, and without the interposition of the civil authorities. But the Court were also of opinion that this "high and delicate power" ought only to be exercised when "by the ordinary process, or exercise of civil authority the purposes of the law cannot be effectuated," and when military or naval force is "necessary to ensure the execution of the laws." Upon these principles the instructions to you were framed, and it was only designed that you should act in cooperation with the civil authority, and in cases where your aid was necessary to sustain and enforce that authority.

But the instructions of the 12' of January embraced other matters which had been confided to you of equal importance, and which, if attended to, would necessarily have required your presence elsewhere than in the city of San Francisco, for, at least, a portion of your time; and this was the more expected from the assurances of your determination to make a thorough personal inspection into every branch of the military service embraced in your command. The Department is not aware that these inspections have yet been made, however advantageously they might have resulted to the service.

You again refer to your oft repeated requisitions for more troops, and notwithstanding my letter of the 14' of April was sufficiently full and explicit on this point, and although you

admit that you could not expect any more regiments until an increase in the Army by an Act of Congress, you permit yourself to censure the Department for not sending you a certain number of recruits, which, you remark, you "might have at least expected," when you could not by any possibility, know whether the Department had that particular number, or, indeed, any number at its disposal; yet when required to remove your head quarters to Benicia, you state, among the reasons why this change should not be made, the difficulty of finding places for the troops then at Benicia and at the Presidio. It would but add to the difficulty to send additional troops to your command so long as you entertain the opinion that troops cannot be posted in the field except at places where barracks are prepared for their accomodation.

Very respectfully, Yr obt Servt
JEFFN DAVIS
Secretary of War.

Jefferson Davis to E. M. Pease.[1]

(From Letter Books Secretary of War Old Records Division, War Department.)

War Department
Washington Aug. 29, 1854.

His Excellency E. M. Pease,
Governor of Texas,
Austin,
Texas .

Sir,

I have received from Genl. P. F. Smith, a copy of his letter to you dated July 29' in relation to calling out militia for the defence of the inhabitants of Texas from Indian aggressions.

In that letter, referring to the authority given him by this Department to call upon you for troops, he says that if the

[1] Pease, Elisha Marshal (1812-1883), a political leader, was born at Enfield, Conn., January 3, 1812; educated in the district schools of Enfield and at Westfield academy, Mass. He removed to Mina (now Bastrop) Col. in 1834, where he studied law. He entered the Texas insurgent army in 1835 and fought in the battle of Gonzales; was secretary of the Provisional Council of Texas, 1835-1836; a member of the committee to form the Texas constitution, November, 1836; a member of the Texas House of Representatives, 1845-1848; a Texas Senator in 1849; Governor of Texas 1853-1857. Pease stayed in retirement during the Civil War because he was opposed to secession. He was a delegate from Texas to the convention of Southern loyalists in 1866; was Provisional Governor of Texas, 1867-1869; and Collector of the Port of Galveston in 1879. He died at Lampasas Springs, Texas, August 26, 1883.

only evil to be avoided were the direct injury from Indian incursions, he would not think the contingency contemplated had arrived, for so many of the reports spread by the papers are to his knowledge fabrications, that the case presented by the actual fact is not such as to require more force than he now has; but that there are other evils, the greatest of which is the sense of general insecurity on the frontier which interrupts industry and prevents an increase of population on the border where it is most desirable as the best means of defence. He then proceeds to say that if, in your opinion, additional troops are necessary either to repel actual incursions or to produce a feeling of security in the border settlements, he will take your opinion as the rule for his action; and he accordingly makes a requisition, subject to your opinion of its necessity, for six companies of mounted men to serve for twelve months.

Authority to call out militia is given by law only in cases of actual hostilities or of "imminent danger," and in strict pursuance of this authority General Smith was directed to call upon you "for aid, should the exigencies of the service require it, *in repelling Indian incursions.*" To produce a feeling of security in the border settlements, is not within the contemplation of law or the instructions from this Department, an object for which the militia may be properly called out, and it is manifest that, in his judgment, troops were not needed to repel Indian incursions. As he only, knowing the condition of the troops under his command, can judge of the necessity of reinforcements, it has been deemed proper to apprise him that the Department disapproves the conditional requisition which he made for troops not deemed necessary by him for the object specified in the instructions, especially as the term proposed by him greatly exceeded that limited by law.

Although, under the views above stated, troops cannot be called out simply to give citizens a sense of security, it appears to me that the object might be in a great degree attained were it generally made known in the advanced settlements that Genl. Smith has authority to call out and supply such force as he may deem necessary for their protection, whenever required, and that your Excellency is prepared at any moment to furnish it.

Very respectfully, Your Obt Serv
JEFFN DAVIS
Secretary of War.

Jefferson Davis to E. J. Steptoe.[1]

(From Letter Books Secretary of War Old Records Division, War Department.)

War Department
Washington Sept. 19, 1854.

Brevet Lieut. Col. E. J. Steptoe,
Sir,

By an Act approved the 17 of July last, an appropriation of $25,000 was made for "the construction of a military road within the territories of New Mexico and Utah, commencing at Great Salt Lake city, Parovan and Cedar city, to the eastern boundary of California in the direction of Cajou Pass." It has been determined to have the work done by contract, and to entrust to you the duty of making the necessary contracts.

The amount of the appropriation it is presumed will not be more than sufficient to overcome the principal difficulties along the route indicated. From the best information the Department can obtain it is supposed these will be encountered at a certain point South of Cedar City, at the jornada commencing at Muddy Creek, and another terminating at the Mohave river and in the passage of the mountains near the head of the Santa Clara, but you will have opportunities of obtaining more full and reliable accounts respecting the route before entering on the execution of these instructions. After informing yourself as fully as possible on the subject, you will make contracts with responsible parties for the construction of a practicable wagon road at these and all other difficult places, bearing in mind that the object is to obtain the best road that the money will make over the whole route.

For a work of this kind it is not expected there will be any competing bidders, but on the contrary you may find it difficult to find proper persons to take contracts. In such circumstances persons residing on the line of the road, or otherwise interested in its completion have been found to offer the best terms, and as this work must be of importance to the inhabitants of all the places mentioned in the Act, the Governor of the Territory or other prominent citizens will no doubt afford you efficient aid in finding reliable persons to undertake it.

Contractors would of course prefer to receive payment as the

[1] Was graduated from West Point Class of 1837. Promoted Lt. Col. for meritorious conduct in the battle of Chapultepec, War with Mexico. Resigned Nov. 1, 1861. Died 1865.

work progresses, and as they would thus avoid in the great part the necessity of borrowing money, or using their own means to pay wages and furnish supplies to laborers, they could do much more for a given amount so paid, than for the same sum withheld till the completion of the work. The Department would therefore be willing to adopt this course if it could be done with perfect safety, but the money cannot legally be advanced to contractors, nor can an officer be detailed to superintend the work and make payments, while the employment of a civil agent would perhaps cost almost as much as would be saved by making the payments promptly. It is possible however that you may be able to make some safe arrangement to avoid the long delay which will be incurred if payment be withheld until the entire work be finished and inspected, but if no such arrangement can be made you will, in making the contracts, stipulate for payments to be made only after the completion of the work and inspection by an officer to be detailed for the purpose.

Very respectfully, Yr Obt Serv
JEFFN DAVIS
Secretary of War.

Jefferson Davis to J. C. Breckenridge.[1]

(From Letter Books Secretary of War Old Records Division, War Department.)

War Department
Washington Oct. 5, 1854.

Hon. J. C. Breckenridge,
Lexington,
Kentucky,
Dear Sir,

I have received your letter of the 22d ultimo transmitting a petition of several citizens for the retention of Major Anderson, U. S. Army as Governor of the Military Asylum at Harrodsburgh Springs.

In reply thereto I have to inform you that the change of

[1] Breckenridge, John Cabell (1821-1875), a soldier and political leader, was born near Lexington, Ky., January 21, 1821; was graduated from Butler College in 1838, studied law at Transylvania University and practiced at Lexington and at Frankfort, Ky. He was Major of Kentucky volunteers in the Mexican war; was elected a member of the State Legislature in 1849; was a member of the national House of Representatives from March 4, 1851, to March 3, 1855; Vice President of the United States 1856-1860; U. S. Senator from March 4, to December 4, 1861; entered the Confederate Army; became Major General in 1862; was Secretary of War of the Confederacy from January to April, 1865. He died at Lexington, Ky., May 17, 1875.

Brevet Major Anderson's station results from a rule of the Department lately instituted that Captains shall not be separated from their companies for the performance of detached duty. Major Anderson is an old friend of mine of many years standing, and if personal considerations controlled in such matters, it would only be necessary for me to know his wishes. Should he apply for a leave of absence, it will be considered as favorably as the exigencies of the service will permit.

Very truly, Yours
JEFFN DAVIS, &c

George Sumner to Jefferson Davis.

(From the Library of Congress. Manuscripts Division.)

London, 6 October 1854.
Friday.

My dear Sir,

I send you a line at this last moment for the post, merely to enclose the "Times" article of to-day, and this map, on which you will find some details of interest.

The eagerness with which John Bull was taking Sevastopol, by apochryphal telegraphs, amused me last Sunday on arriving at Liverpool;—and, for two days my friends in London have regarded me as a heretic because I refused to believe.

You will remember the *official* telegraph of the battle of the "Alma," by the Baltic, showed only 2 Russian guns taken;—this fact of *two* guns, implying as it did a steady retreat, convinced me that Sevastopol had not yet fallen.

You will see that the basis of operations is Balaklava—the point which I indicated to you in Washington, in May last, as the one of probable selection. This old Genoese colony, with its beautiful harbor, is about 12 miles, over a good road, to the South of Sevastopol. But what a triumph is shown in all this for land works?—to take the small, and almost unfortified Balaklava, so as to use its harbor for landing siege batteries, the allies are obliged to march an army over land from Eupatoria, fighting two battles by the way!

The great question now, is the whereabouts of Menshikoff,—if in Sevastopol his fate is sealed; but if, as seems probable, he is at Simphewpal (or perhaps as near as Bakshi-Serai) with 20,000 cavalry—which he ought to have from the Ukraine—the Anglo-French army may yet meet a disaster.

The old Conservatives here are quaking with the difficulties of Russia. Without the French, matters would not have been

driven up as they have. St. Arnaud (I learn this in an authentic form) reported in the early part of August, "that he would not answer for "his army, if he brought them back without an achievement."—Hence the order for attack.—

I close for the post, and, always happy to hear from you, care of Barings, remain,

my dear Sir,
very truly yours,
GEO. SUMNER.

[Addressed, at the foot of p. 1:
Hon. Jefferson Davis.]
[Indorsed: Geo. Sumner.]

Jefferson Davis to George B. McClellan.

(From Letter Books Secretary of War Old Records Division, War Department.)

War Department
Washington Oct. 8, 1854

Captain George B. McClellan,
Corps of Engineers
Washington.

Sir,

In order to collect information upon certain points bearing upon the question of practicability of a rail road from the Mississippi to the Pacific Ocean, you will please proceed to Philadelphia and Boston and consult such Engineers and others as will aid you in obtaining it. Should these consultations render it desirable, you are authorised to visit such other places as may promise to give you practical information upon these subjects.

Very respectfully, Your Obt Serv
JEFFN DAVIS
Secretary of War.

Jefferson Davis to James Guthrie.[1]

(From Letter Books Secretary of War Old Records Division, War Department.)

War Department
Washington Oct 10, 1854

Hon. James Guthrie
Secretary of the Treasury

Sir,

Your letter of the 18' ultimo was duly received enclosing an extract from a report of a special agent of your Department,

[1] Guthrie, James (1792-1869), a lawyer and political leader, was born of Irish parentage in Nelson County, Kentucky, December 5, 1792; was educated at McAllister academy, Bardstown, Ky., was admitted to the bar

in relation to the mode of making payments at Fort Delaware, from which it appears that the officer in charge of that work has paid the laborers and others by separate checks on the Treasurer of the mint instead of drawing the amount due on the pay roll in one sum, and that these checks have passed into the banks, from which it is inferred that aid is thus given to the circulation of bank notes.

Upon these points a report has been required and received from Major Sanders, the officer in charge of the works at Fort Delaware, who states that the mode of payment objected to, occurred but once in making payments on the August rolls, and that he was not aware of the prohibition of such payments in the Treasury circular of September 28'—1853. His attention having been drawn to it, he will, of course, be governed by it in future payments.

The Agent states that the workmen and others at Fort Delaware cannot come to Philadelphia to present their checks for payment and must of necessity take what the banks are pleased to offer them, even if they have not to pay a small premium for cashing their checks, and suggests that it would be far better if Major Sanders would draw from the Treasurer's Office in Philadelphia at stated times such sums in gold and silver as are wanted for disbursement at Fort Delaware.

From the language of your letter transmitting the report of the special Agent, I should understand you to adopt his views and suggestions, were they not at variance with the provisions of your circular of September 28, 1853, in so far as they would prohibit any payments by checks. In directing, by that circular, the Assistant Treasurers to pay checks for sums as small as $25, and expressing the hope that all restrictions as to amounts would be dispensed with, the Treasury Department certainly did not intend that disbursing Officers would check for such small sums if they themselves were obliged to draw the cash and pay it out. I cannot be mistaken in believing that the object in leaving the amount of the check optional with the disbursing officer, was that he might make his payments with

and began practicing at Bardstown. He removed to Louisville in 1820, on becoming Commonwealth Attorney; served in the Kentucky House of Representatives nine years and in the Kentucky Senate six years, declining further re-election; was president of the Kentucky constitutional convention in 1849, Secretary of the Treasury in President Pierce's cabinet, from March 7, 1853, to March 5, 1857; U. S. Senator from March 4, 1865, until his resignation on account of illness, February 7, 1868. He died at Louisville, Ky., March 13, 1869.

the checks themselves, and such has been the practice extensively in this Department. The only cause suggested why Major Sanders should be denied this privilege is the presumption that as his check came through the banks, the payees must have disposed of them at a discount or exchanged them for bank notes. On this point inquiry has been made without discovering any foundation for this opinion. On the contrary, it is believed that the checks are as good in the hands of the holders as coin itself. It is obviously impossible, however, to control the checks, any more than coin in the hands of the holders; they can deposit either in bank or exchange either for bank notes, if convenience or any other cause requires it. Where checks are issued more than a few miles from the place of payment, they will naturally pass into the hands, and if, whenever this occurs, the privilege of making payments by checks is to be withdrawn, the arrangement recently made for keeping the public money on deposit with the Assistant Treasurers will be utterly useless except to the few officers in the immediate vicinity of the depositaries, and with regard to them it is of little importance.

One of the principal advantages of the arrangement to this Department is that officers stationed in remote places whither coin would be carried only to find its way back immediately to commercial points, are spared the risk, trouble and expense formerly incurred in transporting it to their posts, and the Department would regret to see a renewal of those difficulties.

It appears to me that so long as the checks are as good as coin to the public creditor, and that mode of payment is perfectly satisfactory to him, it will be as unnecessary as it would be vain to attempt to prevent his making such use of the checks as his interest or convenience demands, and that to exclude any disbursing officer, whose checks find their way into bank, from the privilege of drawing, would abolish, in effect, the most useful features of the present system.

Very respectfully, Your Obt Serv
JEFFN DAVIS
Secretary of War.

Jefferson Davis to John A. Rockwell.

(From Letter Books Secretary of War Old Records Division, War Department.)

War Department
Washington Oct. 18, 1854.

John A. Rockwell, Esqr.
Norwich,
Connecticut,

Sir,

I received, on the 13' instant, your letter dated the 9' ultimo, in behalf of the Illinois Central Railroad company, claiming, under the Act of September 20'—1850, so much of the Fort Dearborn reservation at Chicago as belonged to the Government at the date of that act, which grants to the State of Illinois, the right of way through the public lands, and every alternate section of land designated by even numbers for six sections in width on each side of said road and branches. The unsold portion of the military reserve is claimed as part of one of those even numbered sections.

You justly observe that there is no express exclusion from the grant of military reservations, and you have correctly noticed the only exception made in the Act, viz: the land reserved to the United States by the Act of March 2d 1827 granting lands to aid in opening a canal to connect the waters of Illinois river and Lake Michigan. I do not therefore see why you lay such stress upon the fact that before the grant was made, Fort Dearborn had been abandoned as a military station. If your claim be well founded it would, as far as I can judge, cover the reserve, being an even numbered section, and not one of those retained under the Illinois canal act, even if it was held as a military station, and would equally cover the light house and marine hospital located on it, for neither light houses, nor marine hospitals nor military stations, whether abandoned or occupied, are excepted from the grant.

It is however impossible to believe that Congress intended to grant away all such establishments as are located upon even numbered sections, and the only reason for their failure to except them must be that lands thus occupied were not considered to be within the general terms of the grant, and that, therefore, no exception was deemed necessary. This Department entertains that view, and does not consider any lands held by it for any purpose, are within the terms of the recent Acts of this character, or have been therein granted away by the description of public lands of the United States. This view is

confirmed by an opinion of the Attorney General in a case similar to that under consideration, and by the judgment of the Supreme Court in the case of Wilson vs. Jackson, cited by you, which involves the title to the reserve now in question, and in which the Court said "that whensoever a tract of land shall have once been legally appropriated to any purpose, from that moment the land thus appropriated becomes severed from the mass of public lands, and that no subsequent law, proclamation or sale would be construed to embrace it, or operate upon it, although no reservation were made of it." You say this "was at best a mere "obiter dictum of the Judge" and that he certainly did not design to limit the power of Congress to make a grant of any land, nor to require that the grant should be construed to apply only to lands of inferior quality." I do not understand that the proposition above cited was a mere obiter dictum. The point was raised and argued at the bar as bearing upon the cause and the Court, in laying down the doctrine, sustained it by an argument of some length, nor does it imply any limitation upon the power of Congress, but it is intended as a guide in ascertaining the will of Congress. The Court say in effect that lands so appropriated are not part of "the public lands," and that Congress does not mean to include them by that description in making grants of public lands.

Your principal object in presenting the argument at the present time, is to prevent the issue of a patent to J. B. Beaubien for a part of the reservation granted him by Congress in July last. The patent to him is to be issued by the Department of the Interior, and it might have been sufficient to refer your papers to that Department, but as your claim would cover other parts of the reserve held by this Department, it has been deemed proper to express my views fully upon it.

Very respectfully, Your Obt Serv

JEFFN DAVIS
Secretary of War.

Henry Johnson[1] *to Jefferson Davis.*

(From the Library of Congress. Manuscripts Division.)

Lake Washington 20th Oct 1854

Dear Sir

I sent my youngest son Mat F. Johnson to the Catholick College of George Town D. C. at the commencement of this

[1] Johnson, Henry (1783-1864), a political leader, was born in Tennessee September 14, 1783; removed to Louisiana and studied law; was clerk of Second Superior Territorial Court, 1809-1811; judge of the Court of the Parish of St. Mary, 1811-1818; a member of the State Constitutional Convention, 1812; U. S. Senator from November 23, 1817 to May 27, 1824,

cession, having understood it was an excellent School I was actuated in doing so, as preparatory to his entering the Military academy at West Point Mrs Bell wrote my daughter that the president thought he could give him an appointment at large some time in the Spring, and I so wrote to Mr McGuire— he however replyed by saying that any one entering there school had to go through an entire Clasical course—

I did not wish my son to stoudy the dead but the living languages, and ought at one[e] to have recalled him, but I thought a little discipline would not hurt him in one cession— I have received a letter today dated the 1st that makes it necessary that I should immediately take him from the School, & I have just closed a letter to him, directing him to leave the school, and to return to Lexington Ky. I sent a check to Mr. McGu[i]re the President of the College for one hundred and thirty dollars, if the ballance is returned after paying for his board and tuishion up to the time you get this, he will require no aid to get home, but if it should not be returned I have to request that you will furnish him with the means necessary for him to return to Lexington, write me the amount you furnish him, and I will deposit the same to your credit in New Orleans to the Merchant you may designate. *(the late elections are ominous of a disolution of the union, and it is now needless for any true Southern man to go for the union—but to go at once for a separation and a final one—the great difficulty* with us is, that we have Traitors, and a vast number of them—who put down all the North as Whigs—when they should be designated by all Democratic papers as abolishionests—) You will confer an everlasting favour on me by visiting George Town College the moment you receive this, and starting my son to Lexington Ky. he writes me that his hea[l]th is very bad. It may be worse when you get this. Should he not be in a condition to leave for home, will you under all circumstances take him from the School & have him properly attended to until he can come home

Sincerely your friend

HENRY JOHNSON

[Indorsed: Octo 20. 1854
Henry Johnson
about his Son
at Georgetown
D. C.]

and from February 12, 1844, to March 3, 1849; Governor of Louisiana, 1824-1828; a member of the national House of Representatives, 1835-1839. He died at Pointe Coupee, La., September 4, 1864. In the Senate he favored the annexation of Texas and repeal of the tariff of 1846.

Jefferson Davis to A. O. P. Nicholson.[1]

(From New York Historical Society.)

Private

Washington October 28, 1854

Hon. A. O. P. Nicholson,

Dear Sir,

I regretted to see in the Union of this morning an article on Indian Massacres which was evidently written under a misapprehension of the present State of the Military service. Appearing in your paper, it may be an embarrassment to the Administration in its efforts to obtain the necessary increase of the Army. Had I known that you wished to write on the Subject, it would have given me pleasure to furnish you such facts as would have guarded you against the Supposition that there was no lack of troops for the protection of the frontier, and also have enabled you to State without an if, the propriety of increasing the number of mounted troops as well as those of other arms.

I will not remark further on the personal part of it, than to say, that praise, so very faint, of the Secretary of War by the leading paper of the administration party, is more severe than censure from an opposition journal.

Very Respectfully

Yrs. &c

JEFFN: DAVIS.

Jefferson Davis to Montgomery C. Meigs.

(From Letter Books Secretary of War Old Records Division, War Department.)

War Department
November 6' 1854

Capt. M. C. Meigs,
U. S. Engineers,

Sir,

You will proceed to Lee, Massachusetts to visit the marble quarry and to Boston and Roxbury to examine the establish-

[1] Nicholson, Alfred Osborn Pope (1808-1876), jurist and editor, was born in Williamson County, Tennessee, August 31, 1808; graduated from the University of North Carolina in 1827; studied law and was admitted to the bar in 1831. He was editor of the "Western Mercury," Columbia, Tenn., 1832-1835; a member of the Tennessee House of Representatives, 1833-1839; U. S. Senator from December 25, 1840, to October 17, 1843; and from March 4, 1859, to March 3, 1861; editor of the "Nashville Union" 1844-1846; Chief-Justice of Supreme Court of Tennessee, 1870-1876. He died in Columbia, Tenn., March 23, 1876.

ment for manufacture of papier machè and to make arrangement for procuring it for the decoration of the Capitol Extension. You will then return to your post in this city.

Respectfully, Your Obt Serv.

JEFFN DAVIS
Secretary of War.

Jefferson Davis to Franklin Pierce.

(From Senate Ex. Doc. No. 34, 34th Congress, 3d Session.)

WAR DEPARTMENT,
Washington, November 25, 1854.

SIR: I herewith submit an account presented by Major General Scott on the 22d instant, showing the receipts and disbursements of public moneys which came into his hands during the war with Mexico, and containing, among the items for which credit is claimed, one of $11,584 60, being a commission, at the rate of five per cent., upon the sum of $231,692.

I also submit an account of the same moneys, which General Scott presented to me in connexion with the account above mentioned, but which was originally filed in this department in November, 1848, containing an item for commission, at three and a half per cent., on the sum of $225,291 45, amounting to $7,885 19.

The object of this reference is, to obtain your decision as to what part, if any, of the commission so charged shall be allowed in the settlement of Major General Scott's accounts, as authorized by the 2d clause of the 2d section of the act "to provide for the settlement of the accounts of public officers and others who may have received moneys arising from military contributions or otherwise in Mexico," approved March 3, 1849. —(9 Statutes, 412.)

Very respectfully, your obedient servant,

JEFF'N DAVIS,
Secretary of War.

To the PRESIDENT.

P. S.—The commission charged in the account first rendered is upon the amount of disbursements; that in the account last rendered is charged upon the receipts. This will explain the difference in the two sums stated.

Yours, J. D.

The provisions of the 2d section of the act of March 3, 1849, referred to in your letter of November 24, 1854, does not author-

ize me, as I understand the facts in the case, to make the order desired in relation to the claim of five per cent. presented by General Scott, nor do I find any other authority to warrant it.

F. P.

MARCH, 1855.

Jefferson Davis to Franklin Pierce.

(From Senate Ex. Doc. No. 1, 33d Congress, 2d Session.)

REPORT OF THE SECRETARY OF WAR.

WAR DEPARTMENT, *December* 4, 1854.

SIR: I have the honor to submit the following report of the operations of the army for the past year; and to lay before you the reports of the Commanding General, and of the heads of the several bureaus of the War Department.

The authorized strength of the army (as now posted) is 14,216 Officers and men, but the accompanying tables, prepared in the Adjutant General's office, show that at the date of the last returns, the actual strength was only 10,745. This difference, however, between the authorized and actual strength of the army is fast disappearing under the operation of the law of the 4th of August last, "to increase the pay of the rank and file of the army, and to encourage enlistments."

The general distribution of the army is nearly the same as shown in my last report. The most important changes will be briefly noticed. The 3d artillery has been reorganized since the wreck of the steamer San Francisco, and six companies sent to the Pacific, *via* the Isthmus of Panama. Two of the companies of that regiment and a detachment of recruits for companies of dragoons serving in the department of the Pacific, have been sent by the overland route, for the purpose of exercising a salutary influence over the Indians inhabiting the country through which they will pass, and holding to account the tribe implicated in the massacre of Captain Gunnison's party. They will winter in the Great Salt Lake Valley, and proceed to their destination in the spring. Six companies of the 2d infantry have been reorganized, and are now posted in the Department of the West. The remaining companies of that regiment will be sent to the same department as soon as their organization is completed. The 6th infantry has been ordered to the Department of the Pacific. Six companies of the regiment are concentrated at Jefferson barracks, preparatory

to sailing for the Pacific, by way of the Isthmus, and two others, which were also under orders for Jefferson barracks, have been sent to Fort Laramie in consequence of the difficulties that recently occurred in that vicinity. The remaining companies now at Forts Kearney and Laramie will be sent to their destination next spring, by the overland route, if a continuation of the Indian difficulties in that quarter should not interfere with this intention. The headquarters and two companies of the 1st dragoons have been transferred to the Department of New Mexico, and replaced in the Department of the West by four companies of the 2d dragoons from New Mexico. The troops on the Indian frontier of Florida have recently been reinforced by two companies of artillery, drawn from the Atlantic coast. Some other changes of minor importance have also been made with a view of effecting a greater concentration of the troops.

The removal from Florida of the remnant of the Seminole tribe, who, in violation of treaty, have continued to occupy the southern part of that State, has received the constant attention of the department; but, from peculiar circumstances, the efforts directed to this object have been attended with but little success. It is, however, believed that better results may be anticipated in the ensuing year. The troops have taken a line of observation which greatly contracts the limits of the territory occupied by the Indians; and it is proposed to make expeditions through the region where they have hitherto remained securely concealed. By opening roads, and by the use of boats adapted to the navigation of the lakes, swamps, and bayous, which have heretofore enabled them to elude pursuit, (including a small steamer, as recommended by the Quartermaster General,) the department expects to acquire an accurate knowledge of the country, and to impress them with the conviction of their inability to escape from or resist the power of the United States. Measures have been taken to cut off their trade, and to make them feel the great inconvenience which will attend an attitude of defiance on their part towards this government. By these means it is hoped the Indians may be peaceably removed to the home provided for them west of the Mississippi, and the claim of Florida to be relieved from their presence be speedily answered. Should this hope not be fulfilled, the measures above referred to are the proper and most efficient steps preliminary to active operations for their removal by force.

In the other military departments the Indians have repeatedly come into collision with our troops. Depredations upon our frontier inhabitants and upon emigrants passing through the

Indian country have been, and are still, of frequent occurrence. In the Department of the West, besides the depredations committed by smaller tribes, hostilities have occurred with the Sioux Indians, the most powerful and warlike tribe of the Northwest. In Texas they have been so frequent and of so threatening a character that it was considered necessary to authorize the commander of that department to call upon the governor of the State, from time to time, as exigencies might arise, for such volunteer force as might be required to repel Indian incursions. In New Mexico serious hostilities were repressed by the prompt and energetic action of the troops employed there, but depredations upon the inhabitants are still of occasional occurrence; and in the Department of the Pacific outrages of the most revolting character have recently been perpetrated on parties of emigrants on their way to California and Oregon. To repress such disorders, the troops have been actively and constantly employed; and in the arduous and harassing duties that have devolved on them, have exhibited a gallantry, zeal, and devotion that merit the favorable notice of the government. The details of these operations will be found in the reports transmitted herewith.

During the past year the Sioux Indians have committed many depredations upon the property of the emigrants passing Fort Laramie, on their route to Oregon and Utah. On the 19th of August Lieutenant Grattan, of the 6th infantry, was sent, by the commander of that post with thirty men to arrest an offender. This entire detachment was massacred by the Indians, with the exception of one man, who escaped severely wounded, and subsequently died. The circumstances of this affair were at first involved in much obscurity, but authentic details have since proved that the massacre was the result of a deliberately formed plan, prompted by a knowledge of the weakness of the garrison at Fort Laramie, and by the temptation to plunder the large quantity of public and private stores accumulated at and near that post. The number of Indians engaged in this affair was between 1,500 and 2,000.

I regret that it has not been in the power of the department to concentrate the troops in sufficient force to prevent and, in all cases, to punish these disorders. The circumstances of the service have been such, and the want of troops in all sections of the country so great, that the concentration would have exposed portions of the frontier to Indian hostilities without any protection whatever. Every favorable opportunity will be taken to post the troops in commanding positions, from which they

can exercise a supervision of the Indian country, and operate to the best advantage. The events of the past year have furnished many examples of the inefficiency of small posts. Our entire loss in the several actions with the Indians during the year has been four officers and sixty-three men killed, and four officers and forty-two men wounded.

While the occurrences on our frontier and in the Indian territory present gratifying evidences of the zeal and devotion of the troops, they also furnish deplorable proofs of the insufficiency of our military force, and the absolute necessity of the increase which it was my duty to urge in my last annual report. I again solicit attention to this subject, and in doing so must repeat, to some extent, what was then urged.

For military purposes, the territory of the United States is divided into five geographical commands.

1. *The Department of the East,* embracing all the country east of the Mississippi river. This department has 2,800 miles of seaboard, 1,800 miles of foreign, and about 200 miles of Indian frontier. Of the fifty permanent fortifications and barracks on the lake, Atlantic, and gulf coasts, now completed, or nearly so, and requiring garrisons to protect the ports, cities, and national establishments which they cover, only eleven are now garrisoned, leaving the remainder exposed to a sudden or unexpected attack from any naval power. The total force in this department at the date of the last returns was only 1,574 officers and men; and of this number 500 are employed on the Indian frontier of Florida.

2. *The Department of the West* includes the country between the Mississippi river and the Rocky mountains, except the departments of Texas and New Mexico. It has a sea-board, foreign, and Indian frontier of 2,400 miles; 2,000 miles of routes through the Indian country constantly traversed by emigrants on their way to Utah, New Mexico, and our possessions on the Pacific, and an Indian population of 180,000, a large proportion of whom are, in feeling, hostile to us, and many of them at this time actively so. The total force in the department at the date of the last returns was 1,855 officers and men.

3. *The Department of Texas,* nearly the whole of that State, has a seaboard frontier not yet protected by fortifications of 400 miles, a foreign and Indian frontier of nearly 2,000 miles, and communications through the Indian country of more than 1,200 miles. The Indian population is estimated at 30,000, nearly all of whom are nomadic and predatory; and the western and northern frontiers of the State are exposed to constant

inroads from the Indians of Mexico and the plains. The force in that department at the date of the last returns was 2,886 officers and men.

4. *The Department of New Mexico.*—This department has an Indian and foreign frontier of 1,500 miles, communications through the Indian country of more than a thousand miles, and an Indian population of 50,000, a great proportion of whom are bands who do not acknowledge the authority of the United States. The force in this department, at the date of the last returns, was 1,654 officers and men.

5. *The Department of the Pacific,* embracing the State of California and the Territories of Oregon, Washington, and Utah, and a part of the Territory of New Mexico. This department has a sea-board frontier of 1,500 miles, entirely unprotected by fortifications, except the works in progress at San Francisco, an Indian and foreign frontier of 1,600 miles, and more than 2,000 miles of communications through the Indian country; an Indian population of 134,000, who are becoming formidable from concentration, from the acquisition of fire-arms and a knowledge of their use. The force in this department is only 1,365 officers and men, but as heretofore mentioned, they will be increased by an additional regiment ordered there.

To recapitulate. We have a sea-board and foreign frontier of more than 10,000 miles, an Indian frontier, and routes through the Indian country, requiring constant protection, of more than 8000 miles, and an Indian population of more than 400,000, of whom, probably, one-half, or 40,000 warriors, are inimical, and only wait the opportunity to become active enemies. If our army should be expanded to its greatest limit, it would have a force of 14,731 officers and men; but as a large allowance must always be made for absentees, invalids, &c., the effective force would probably never exceed 11,000.

That this force is entirely inadequate to the purposes for which we maintain any standing army needs no demonstration, and I take occasion again to urge the necessity of such immediate increase as will at least give some degree of security to our Indian frontier. That, for this purpose, a regular force is not only the efficient and cheap, but the proper and constitutional means, seems to me demonstrable, if not obvious. The President is authorized to call out the militia to repel invasion and suppress insurrection. These are the emergencies for which it was deemed proper to confer upon the Executive the power to call citizens from their homes and ordinary avocations, and these are the great occasions on which they may

be justly expected to make all the personal sacrifices which the safety of the country may require. It is in this view that we habitually and securely look to the militia as our reliance for national defence. It was not the design of the constitution and laws to enable the President to raise and maintain a standing army, yet this would be the practical effect of a power, at his discretion, to call the militia into service, and employ them for the ordinary duty of preserving order in the Indian territory. The abuse to which such a power, if it were possessed, would be subject, sufficiently attests the wisdom of our forefathers in not conferring it, and must remove far from us any desire to possess it. If this view of the subject be correct, it follows that the Executive must look to the army regularly authorized by law to preserve police among the Indian tribes, and to give that protection to pioneer settlements which interest, humanity, and duty alike demand. The organization of the two new territories, and the impulse given thereby to emigration towards the western frontier, and the increase in the overland trains to our Pacific possessions, have multiplied the opportunities as well as the causes of Indian depredations and hostilities. It is reasonable to expect that the ensuing year will be marked by more numerous and serious Indian outrages than the last or any preceding year.

Our border settlements, extending from the Missouri westward, and from the Pacific ocean eastward, are steadily pressing the savage tribes into narrower limits and an unproductive region, from which result combinations of bands heretofore separated from each other, producing at the same time, by their concentration, an increase of power and a diminution of their ability to live by the precarious products of the chase. Hence, a two-fold necessity for an increase of our military force.

The question of economy in the employment of the means for this purpose has been frequently and fully discussed. It may not, however, be without benefit to advert to some instructive facts in our past experience of Indian wars.

The expenses occasioned by the war with the Sac and Fox Indians, in 1832, amounted to more than three millions of dollars; the definite appropriations for the suppression of Indian hostilities from 1836 to 1841, inclusive, amounted to more than eighteen millions of dollars. Within the past six years, large appropriations have been made for the same object in Texas, New Mexico, Utah, California, and Oregon. The aggregate of such expenditures in the last twenty-two years, independent of the regular appropriations for the support of the army, is esti-

mated at more than thirty millions of dollars, a sum sufficient to have maintained, for the whole period, a much greater force than that recommended in my report of last year. This sum is independent of the expenditures for property destroyed, compensation to suffering inhabitants, and on account of pensions and bounty lands, and of course does not include the losses occasioned by the destruction of private property nor those consequent upon the interruption of agriculture and of the progress of settlement. These cannot be measured by any specific sum, and, although private in their character, are not limited in their effects to individuals, but, by diminishing the resources of the country, become public losses, and, as such, are widely felt.

It has been stated by those conversant with all the facts, that if in 1831 a small mounted force had been at the disposal of the War Department, the Black Hawk war might have been prevented; and that in 1835, if a few additional companies had been sent to Florida, the Seminole war would not have occurred.

The state of the recruiting service is shown by the report of the Adjutant General and the accompanying tables. Since the passage of the law of August 4, 1854, to encourage enlistments, that service has progressed very satisfactorily, both as regards the number and character of the men enlisted. In the months of September and October last, 1,005 enlistments were made, while in the corresponding months of 1853, the number was only 309. In consequence of the number of companies that have been placed on the maximum establishment under the law of June 17, 1850, the little success that attended the recruiting service prior to the passage of the law above cited, and the greater than usual number of casualties that have occurred during the past year, the number of recruits that will be required for the service for the ensuing year will probably not be less than 6,000.

The estimates for the support of the army during the next fiscal year exceed those submitted at the last session, for the current year, by the sum of $681,668 39. The increase is to be found in the items for the pay of the rank and file at the higher rates fixed at the last session of Congress, and for recruiting, clothing, and subsisting the better filled ranks of the army. In other items there is a decrease, so that, leaving out of view the pay of the army, which, being fixed by law, this department can in no way increase or diminish, the expense of keeping the army in active service, with its ranks thus increased, during the next fiscal year, will not, according to

the estimates, exceed that of the current year. The item of transportation, one of the heaviest expenses, is not increased, and is, therefore, relatively less than that for the current year: thus verifying the expectation stated in the last annual report, that an increase of the army would not be attended with a proportionate increase of expense. In fact, an undue expense in proportion to numbers always results from not keeping on foot a sufficient force. If the force is too small for the line it protects, it must be kept moving. The result is that stated in the Quartermaster General's report. The cost of transportation comes upon the war scale, as for armies in the field.

The means of transportation have, in some instances, been improved, and it is hoped further developments and improvements will still diminish this large item of our army expenditure. In this connexion, waiving other considerations, I again invite attention to the advantages to be anticipated from the use of camels and dromedaries for military and other purposes, and, for the reasons set forth in my last annual report, recommend that an appropriation be made to introduce a small number of the several varieties of this animal, to test their adaptation to our country.

I think it but an act of justice to the officers of the army again to call attention to the recommendation made in my last annual report, relative to an increase of their pay. The present rates of pay were established more than forty years ago, when money had a much higher value, as measured by the price of food; even as late as 1845, the cost of the soldier's ration was 12½ cents, whilst the estimates of the Commissary General for the present year are based on the price of 25 cents for a ration. The necessaries of life generally have had a like, if not always an equal appreciation, and, under such circumstances, it would not be just that salaries should remain fixed, which were originally graduated to afford the means proper to the officer's support.

The justice of an advance in the salaries of public officers, corresponding with the increased cost of the means of living, has been recognised by the government in the recent laws for increasing the compensation of most of those employed in the civil departments of the public service. These considerations apply with greater force to the case of officers of the army, many of whom are compelled, by the nature of their duties, to reside in parts of the country where even scanty supplies can be obtained only at exorbitant prices.

If it were deemed necessary to offer other considerations than

those of justice and equality, many would present themselves appealing alike to the pride, the liberality, and the gratitude of the American people, to sustain a proposition which only seeks to relieve the military officers of a discrimination alike onerous and wounding.

It can require but little reflection to convince any one that a policy which confines so large a body of intelligent and instructed men to a rate of compensation below that given in the ordinary avocations of life, must tend to drive from the military service its more active and efficient officers. If, as I doubt not, there will be many honorable exceptions to this general proposition, resulting from strong professional attachment to the army, they are exactly such exceptions as would claim increased consideration from every one who can estimate the patriotism and elevation which should characterize the officer to whom the honor and flag of his country is entrusted.

In the law of the last session of Congress to increase the pay of the rank and file of the army, the terms used to designate the grades of enlisted men are construed to exclude those of the Ordnance department. As this exclusion is supposed to be accidental and unintentional, it is suggested that an explanatory act should be passed to extend the increase of pay to all enlisted men of the army. The pay of ordnance laborers and mechanics would still be much below the ordinary wages of such employments.

I would again call attention to the propriety of additional legislation which shall place the widows and orphans of the officers and soldiers of the army on an equality with those of the officers and sailors of the navy. The subject has been repeatedly recommended by the Commanding General of the army, and it is again brought to notice in his report of this year.

In some important particulars, our military legislation, in regard to rank and command, as well as to organization, needs revision. In armies, it is essential that it should be known, under all possible circumstances, who is the officer entitled to command. Doubt as to the source from which orders are to emanate, is destructive of discipline and subordination, and might, on many occasions, compromise the safety of troops. On this important point our military law is exceedingly vague and defective. Much of the mischief that otherwise would have resulted, has been prevented by the care of the department in keeping asunder officers whose claims would come in conflict, and by the patriotic self-denial of the officers themselves who, in many instances, have waived claims to command which they

believed to be well founded, and served under those whom they considered as their juniors. Nevertheless, many unseemly controversies have arisen, engendering jealousy, rancor, and insubordination; and the decisions in such cases, so far from putting at rest the questions involved, present a mass of conflicting arguments, from which no general principle can be educed, and which serve only to furnish to every disputant the means of maintaining his own cause. So numerous and contradictory have been the decisions of the highest authority on questions of rank, that no executive regulation or judgment of a court-martial could now establish any certain rule, or fix the interpretation of the law; for either of these would be met by as high authority for a contrary doctrine, and would probably be, in turn, overruled. Congress only can apply the remedy; and whatever rule they may, in their wisdom adopt, should be simple in its terms, and universal in its application.

One fruitful source of difficulty arises from double rank. In our service, as in the English, an officer may have one grade by brevet in the army, or at large, and another in a particular regiment or corps. The law has attempted to define the cases in which one or the other of these commissions shall take effect, and it is to the defective and insufficient manner in which this is done, that much of the confusion above alluded to is due. The statutory provision on the subject is copied from the English. Even in their service it has proved a source of much trouble; and, as in ours, there is a class of commissions not known to theirs—commissions in the army at large, not by brevet—the interpretation of the law is further embarrassed by the necessity of applying it to a class of cases for which it was not intended.

To remove this cause of difficulty, some have proposed to abolish brevet rank altogether, but there are many strong reasons against this course. Brevet rank affords an honorable incentive and reward to distinguished conduct, and enables the government to avail itself of the services and abilities of meritorious officers in higher commands than they would be entitled to exercise by their ordinary rank. It is true, indeed, that these arguments lose much of their force and application, if the system of brevet promotion is not discreetly and justly administered, and that the system itself produces a shifting of rank dangerous to discipline and military authority. The main benefit of the system is in affording selections for command, but the present law gives brevet rank effect in all detachments composed of different corps, and selection is as much restrained by this rule

in favor of brevet rank as by the rule in favor of ordinary commissions. To avoid the evils without forfeiting the benefits of the system, it is proposed to give effect to brevet rank only when the President may see fit to authorize it. As these commissions are designed only to take occasional effect, there seems to be a propriety in requiring his sanction, either direct or delegated, as constitutional commander-in-chief of the army, to give them effect. A further limitation, however, should be put on them. As they are not intended, and ought not to be allowed, to advance an officer in his own corps over his proper seniors, the exercise of them ought to be forbidden, as it now is, in the regiment, troop, or company where the officer belongs and is mustered.

A difficulty of still greater magnitude is found in the enactments intended to regulate rank and command when different regiments and corps do duty together. The general provision is, that the command shall devolve upon the officer highest in rank "in the line of the army," but these words were new in that connexion, and of undefined signification, and it cannot be determined whether they were intended to include officers holding commissions by brevet, in the staff or in certain special corps. The interpretation that has prevailed in our service is, that they do not embrace any officers of the general staff, except the major general and the two brigadier generals; but this is not acquiesced in by many, and the question is still productive of frequent controversy, attended with all the evils which have been above enumerated.

I find much difficulty in proposing any general rule to govern in this particular such a military organization as ours. It is clearly improper to exclude from command, according to their rank, the officers of the military staff, whose duties are as important to the service as any other class of military duties below the chief command, and require equal general capacity, professional skill, and experience. This would, in effect, convert the military staff, so essential to an army, into a *quasi* civil corps. On the other hand, officers whose duties, being confined to a special corps, remove them from the ordinary service of troops, ought not to take, by seniority, the military command for which their special service has not qualified them.

This remark does not, indeed, now apply to all officers of the staff corps, in the higher grades of which are found many officers who, having long served with troops, and won distinction in battle, were transferred to the places they now hold. But the principle of promotion has been since applied to these

corps, and under its operation their places must ultimately be filled by officers early separated from the general service, and thenceforth confined to a round of special duties. These difficulties can be obviated only by a change in the organization of the general staff itself; and I propose it with less reluctance, as I share the conviction entertained by officers of experience, that the organization is not well calculated for the duties of the staff itself. And I think that not only the efficiency of the staff, but the general good of the whole military service, would be promoted by some essential changes which I shall proceed to submit to your consideration.

Our military general staff, besides the major general and the two brigadier generals, who are habitually in command of troops, is composed of an Adjutant General's department, Inspectors General, a Quartermaster General's department, and a Commissariat of Subsistence. The officers of these departments, all of whom have military rank, form so many corps distinct from the rest of the army, with promotion confined to their own corps. The embarrassments in regard to rank and command, resulting from this arrangement, have been stated. But worse evils result from it in the ordinary staff service. In the first place, most of these staff duties require military knowledge only to be derived from general service and experience. In the second place, from various causes and accidents, errors may be made in the first selection; either the officers selected may not be qualified, or they may become disqualified for their special functions, and yet be fit for the general service. These are evils which the government should at all times be allowed the means of correcting. A good staff is so essential to army operations that it is important to secure its constant efficiency. These are, to my mind, conclusive reasons why the staff should not be organized into permanent corps, and experience in the administration of the War Department has furnished many practical proofs of them. If the duties of the staff were performed by officers holding temporary appointments for such service, all the benefits might be secured of a large field of selection, at all times open, of general experience in the service, and of special qualifications for staff duties. The principal officers found particularly qualified for their special duties would naturally be retained. Those who might not be useful on the staff, would be replaced in their regiments. Either class not having been always confined to a staff corps would be qualified for such military duty or command as the course of service, according to their rank, might devolve upon them.

It has been stated that our organization is peculiar. A brief reference to some of the European systems may aid in illustrating the views hereinafter submitted of a well organized staff.

The French staff is divided into two branches, a military and a civil. The military has charge of all that relates to orders, movements, and military operations. The civil furnishes all the supplies of the army.

The officers who furnish the supplies have no rank. The military staff have rank, and succeed ordinarily to command by virtue of it. This military staff is composed of two classes of officers—the highest positions in it are filled by selection from the general officers of the army, so as to secure the best capacity and experience in the service. For the subordinate and more routine duties they have a special corps. But the functions of this corps are of much importance; and to supply it with fit officers, they have provided a special military school and a complete system of instruction in all its duties.

This system is simple, with many obvious merits. It brings all the military staff into one line and under one head. It secures the double benefit of experience in the general service and in the special duties of the corps. But it is a system only practicable in a large army. The permanent corps must be such as to afford a sufficient field of promotion. A small establishment does not allow of both selections and permanent appointments. Nor is the separate school and corps for the staff needed in our army, in which a large proportion of the officers are prepared for such duties by the complete course of studies at our Military Academy. This is an advantage which our service has over those services where the size of armies does not permit the education of officers by government, except for those corps in which it is indispensable, and has attracted the attention of foreign officers and writers.

Instead of one corps, to which all the military staff business is assigned, the English army has two principal military staff departments; the Adjutant General's and the Quartermaster General's. The chief officers of these are generals of the army, appointed temporarily on the staff; the inferior are appointed, in like manner, from the regiments. Neither class gain rank by these appointments.

The Adjutant General's is the department of military orders and regulations, of the recruiting of the army, and of all correspondence connected with the discipline and equipment of the troops.

The duties of the Quartermaster General's department relate

to the marching, embarking, transportation, billeting, encamping and cantoning of the troops and the distribution of their quarters. It is the office of all correspondence relating to military science and topography, maps and plans.

Besides these military departments of the staff, is the Ordnance, which, though not strictly a staff department, and having many important functions not of the staff, yet provides many supplies for the army, and is charged with much of that part of its staff business.

Both these systems, it will be observed, avoid the mischiefs indicated as arising from corps organization like ours, limited to permanent officers. As to which is best where they differ—the English in dividing, the French in uniting, the military functions of the staff—there seems not much room for doubt, if the purely military business of the staff only were in question. The advantages gained by unity of responsibility and authority in military operations overbalance those of special experience and skill that arise from division of labor. But there are a mass of staff duties, not purely military, connected with army supplies and equipments. All these cannot be accumulated upon one military staff; and an organization which provides only a single military staff makes necessary the employment of other agents for supplies. But supplies are as essential as the movement of troops to the operations of an army. To separate the furnishing of army supplies from the other staff duties, is at last to destroy the unity of military administration in a point where it is always useful and sometimes necessary to preserve it. And to confide the supplies to civil agents, is to lose the control where it is so important to retain it, which commanders exercise over military officers. It was in his first great campaign to the frontiers of Russia that the Emperor Napoleon found the great utility of giving a military organization not only to his artillery trains, but also to the general equipage and transportation trains of his armies. The civil machinery of the French staff is now censured by some of their able military critics as too expensive and too much removed from military control. In these respects it is contrasted with the Prussian system, where every branch of the army administration is brought under military supervision and direction, to which is attributed that admirable efficiency and economy which enable Prussia to maintain so large an army in proportion to her revenue. In lieu of this control, the French system substitutes as a machinery of paper checks, a mass of writings and an amount of bureau labor, which have been justly con-

demned as hardly possible in war, and as really affording no efficient security for the fidelity and economy of the expenditures. In a comparison of the relative expense of the two systems, the French is stated at more than $1,020,000 a year in salaries, and the Prussian at $19,000.

It is not recommended to bring our military staff into one corps, or to incur the increased hazards and expense of a separate corps for supplies. On the contrary, it is thought that, without attempting so entire a revolution of the system to which we have been accustomed, a staff organization may be devised, which will avoid the evils of our present system, and will secure the benefits of the French and English systems, with others which neither of them affords. One principle, however, should govern in any system that may be adopted—that of throwing open the appointments on the staff to selection from the officers of the army at large.

I proceed here to state, somewhat more in detail, the organization recommended.

We have now one major general commanding the army, and five other general officers commanding as such, by brevet or other commissions, the five geographical departments, and one brigadier general at the head of the Quartermaster's Department.

It is proposed that the brigadier generals shall be nine in number. This will give one for each department, as now; one for quartermaster general, as now; one for adjutant general, and two for the inspectors general, being an addition of three to those who now, by brevet or otherwise, have rank and command as brigadier general.

The duties of the adjutant general of the army are those which in other services, belong to the chief of the staff. It is obvious that he should have as high rank as any other member on the staff with him, and as the department commanders. Congress marked their sense of the duties of this office by a special act, allowing to the late Adjutant General the exercise of his rank of brigadier general.

Inspectors general must have different functions in war and peace. It is impossible for them, (and so the regulations of the French service explain the employment of these officers) to exercise their inspection functions with troops in actual campaign. There, the generals in command must take care of the condition of the troops. But, in peace, and with scattered garrisons, and in a service distributed like ours, the inspection service is highly important. By taking, in time of peace, inspectors

from officers of the grade of generals, they will have a proper rank and authority for the inspection service when so employed. Their duties suggest the special reasons why the inspectors should not be commissioned permanently and solely for that service.

Besides the adjutant general of the army, there will be needed in this branch of the staff about seven officers, taken from the regiments and corps; one at the head quarters of the army, one at the office of the adjutant general, and one at each department or district headquarters. One of these would probably be available when any important detachment may be collected for actual service; or if others are needed with armies in the field, they may be authorized as occasion may require.

The ordinary service of the Quartermaster's department in regiments, posts, and detachments, should be performed by the detail of capable officers from the command. A limited number of experienced officers will be needed to perform the more important duties of the department with large commands, or at the principal stations, and to supervise and control, under the generals in command, the operations of the inferior officers in the parts of the country most remote from the seat of government, and from the direct authority of the Quartermaster General. Ten field officers would probably be sufficient at any time. It is doubted if so many would be always required. Selection and temporary appointments will regulate the number employed by the actual wants of the service.

At the head of the Subsistence department there should be a commissary general, taken from the field officers of the army, with the pay and allowances of colonel, as at present.

A few officers would be required for the principal stations and duties; but the ordinary business of the department, being mainly the care and issue of rations to the troops at posts, and with troops on the march, should be performed by proper officers detailed from the subalterns. The officers of this department should be charged with the supply of clothing for the army.

It may be proper again to advert to one effect of this plan of details; that in selecting a sufficient number of junior officers to perform the ordinary service of the staff in the field and in garrison, most of them still serve immediately with the troops, and will not cease to be instructed in regimental and field duties.

It is not proposed to disturb the present system as regards the pay of the troops and the hospital service. Hospital supplies may undoubtedly be best procured by the medical officers

who administer them; and in this business no other agency is needed for economy or efficiency. To maintain a separate corps for the mere payment of the troops is an expense rather disproportioned to the strength of our army. But our troops are distributed over so great an extent of country, that the pay officers on the establishment seem to have sufficient employment. When troops are assembled in campaign, the paymasters might have additional duties imposed on them; as the care of the military chest, and the payment (as to some extent in other services) of money upon orders and warrants for other branches of the military administration.

Topographical services being included in the functions of the corps of engineers, and of officers of the general staff, it is not deemed expedient to retain a separate organization for the topographical corps. Engineers should be instructed by proper practice and employment in all the various and important duties of the engineer service; and that organization is very objectionable which makes a permanent distribution of duties which should be equally shared and practised by all, and appropriates a large portion of officers to one, and that, ordinarily, a less important portion of its services.

In this connexion it may be in place to remark, that as the duties of engineers require a continued study and experience of a special kind, they require a permanent body of officers. But no injury can result from entrusting the command of troops, according to their military rank, to officers whose functions, in the language of our articles of war, appertain "to the most elevated branch of military science." It is therefore recommended to give effect to the rank of engineers, as of other officers charged with military duties, in accordance with the rule which governs all other services.

The remarks relative to the specialty of the duties and studies of engineers, in some measure apply to those of officers of the ordnance. But advantage will be found in giving on the one hand to the officers of ordnance the benefit of a previous service with troops, and on the other hand in giving to the officers of troops the opportunity of acquiring useful practical information relative to the construction and preservation of their arms and equipments. With this view it is recommended to retain in the ordnance corps only a small number of permanent officers for the more important arsenals and duties, and to associate with them, as assistants, junior officers, taken, by detail, from the regiments and corps.

The judge advocate's department has now only one permanent

officer. Officers to officiate as judge advocates at courts martial, are appointed by the officers who order the courts. This duty requires legal study and experience, but it also requires a familiarity with military laws and the customs and regulations of the service. It is therefore proper that judge advocates should be appointed from military officers, which is the system now practised.

In the proposed organization, it is not intended to give increased rank, by virtue of their temporary appointments, to the officers employed on the military staff. Their rank would remain according to their commissions in the army. It may be inexpedient to narrow the field of selection by defining the grade from which they shall be taken. They should receive the cavalry pay and allowances of the next higher grade.

This organization removes all grounds of controversy and objection to the rank and exercise of command by staff officers. It leaves military rank to all the military staff.

I cannot doubt that an organization upon these principles would materially increase the efficiency of the staff and promote the general good of the service. It would require, of course, a greater number of officers in the regiments than the law now provides, to furnish the necessary details and appointments on the staff, as well as for regimental duty. No injustice or undue hardship would probably result to individual officers of the present staff corps in assigning them to regiments. If the law for the retired list shall pass, there will be no difficulty on this head. But, in any event, the interest of individuals must yield to the public good.

The present organization of the regiments is also capable of material reforms. In the artillery line we have now a larger body, in proportion to the strength of the army, than can be spared for the proper service of artillery. In fact, most of our artillery has always been armed, drilled, and employed as infantry. As, however, it is necessary that every regular army should have a proportion of artillery, armed, instructed, and ready for service, it is proposed to reduce our artillery to the size which our service requires and can maintain. The regimental organization is now given to it; but in the field, our artillery serves by batteries, and it is proposed to organize it in one corps, of such size only as may suffice for instruction and for necessary service in the field and in fortifications—the officers and men now in the artillery, not required for the reduced corps, to be converted into regular infantry. A sufficient artillery would be about half the strength of the present four regi-

ments of artillery, and would leave enough to make two regiments of infantry.

The cavalry force of our army being all required for active service of the same kind, there appears no propriety in making a permanent distinction in the designation and armament of the several regiments; it is, therefore, proposed to place all the regiments of cavalry on the same footing in these respects, and to leave it in the power of the executive to arm and equip them in such manner as may be required by the nature of the service in which they may be employed.

The remarks just made in regard to dragoons and mounted riflemen apply to the case of infantry and foot riflemen. In increasing the force of foot troops, it is proposed to designate them all as infantry, leaving to the Executive the selection of the arms and mode of instruction applicable to their service in the field.

A strong reason for this arrangement exists in the fact that, with the recent improvements in small arms, it is probable that the distinction in the armament of heavy and light infantry, and riflemen, will nearly cease, especially in our service, where the whole force is liable to be employed as light troops. In the Prussian army, even before the adoption of the new arms, the service of skirmishers or light troops regulated the instruction of the whole body of infantry.

It has always been difficult to devise a rule of military promotion by which the interests of the State may be secured in advancing none but competent men, without affecting the just pride of the officer, or violating the consideration due to long and faithful service. Undoubtedly, if it were possible that the appointing power should always exercise a perfectly enlightened and impartial judgment, the rule of promotion by selection might be advantageously applied in filling up all the grades of the army. But in no military service has it been thought safe to adopt this rule to such an extent, and in our army the difficulty of its application is vastly increased by the usually scattered condition of the forces, as well as by other considerations.

The appointment of fit men for commissions in the lower grades of the army may be, in a great measure, secured by requiring, in all cases, a preliminary examination, as is now required for the promotion of cadets and non-commissioned officers. But, with every precaution in the first appointment, some officers will be found unsuitable for discharging the duties of the higher grades, or they may become disqualified in consequence of the infirmities of age or other disability. The

proposed organization of the general staff provides a remedy, so far as relates to their important duties, by opening a wide field for the selection of general and staff officers, and for replacing those who may, on trial, be found to want the peculiar qualifications requisite for those duties. This principle may, perhaps, be advantageously extended to the selection of officers for some other important stations in the army, just as it is now applicable by law to the appointment of a commander of the corps of engineers. It is necessary, therefore, in order to maintain an efficient body of officers, that some provision shall be made for the cases above alluded to, where officers may be disabled or disqualified for promotion. The only means for effecting this object without injustice to faithful public servants is, to create a retired list which may provide the means of retreat for disabled officers, like that which the institution of a military asylum has afforded to other disabled soldiers. This measure has already received the favorable consideration of one branch of Congress, and its final adoption is urgently recommended, as being absolutely essential to an efficient reform. Its adaptation to the service may be tested by restricting to a short period (one year) the exercise of the power to place officers on the retired list, and requiring the renewed authority of law for its continuance; and as to the expense, though that is not the primary consideration in a question which involves the efficiency of the army, it need only be remarked that, by the present law, the disabled officer who renders no service draws full pay, while, on the retired list, he would receive a much smaller allowance. So far as relates to them, the expensive system is that which keeps them on full pay. Whatever military establishment a nation maintains, should be kept efficient; and it never can be so if the higher ranks are occupied by officers incapable of service. The only choice is to retire them on some reduced allowance, or to disband them. The last is a remedy too harsh to be applied to faithful officers, disabled and worn out in military service.

For detailed information concerning the Military Academy, I refer to the report of the last board of visitors, and to that of the chief engineer, *ex officio* inspector of the academy. The proposition submitted in my last annual report to increase the academic term of cadets by the addition of one year, has been matured and put into effect by dividing the class last admitted into two parts, the first to pursue the former course of four years, and the second, composed of the junior and less educated members, to pursue the newly arranged course of

studies, which will occupy a term of five years. By this arrangement, we avoid an intermission in the supply of cadets to be attached as brevet second lieutenants to corps and companies; and all classes hereafter admitted will be instructed according to the plan of studies arranged for the five years' course. In general terms, it may be stated that the scientific course has not been increased, and that the additions made are those appertaining to practical military instruction and extension of the course of languages and national law. These additions were deemed necessary to qualify military officers for the high and delicate duties they are sometimes required to perform; and they could not be added without increasing the term, or substracting something from the thorough scientific education included in the course heretofore pursued.

From a recent inspection of the academy, I can bear testimony to its successful administration, and the many and decided improvements which have, from time to time, been made. Additional means of instruction have greatly facilitated the acquisition of knowledge, and better arrangements in the quarters and recitation rooms have materially contributed to the economy, comfort, and order of the corps.

I concur in the recommendation of the chief engineer for the establishment of a new professorship to replace that of "Ethics and English studies." This chair is now filled by the chaplain of the post, and if it was ever desirable that the pastor of cadets should also be a member of the academic staff, the wider range recently given to the study of philology, national law, and the contemplated addition of cognate branches, renders it impracticable for one person properly to perform both duties.

I also concur in the estimates of that officer for an appropriation for the commencement of the construction of additional quarters for officers on duty at the Military Academy. The necessity for this is fully stated in the report of the board of visitors and of the chief engineer. The total cost of the proposed buildings is estimated at $44,054,46, about one-half of which is asked for the current year.

The condition of the sea-coast defences is stated in the report of the chief engineer. The grant of appropriations for these works at the last two sessions of Congress, after their suspension for several years, during which the policy of continuing them was very fully discussed, is regarded as a final decision of the question, and I advert to the subject only to say that recent experience in Europe has placed beyond doubt the wisdom of that conclusion. No defences can long avail a people

who cannot meet their foes in the open field, and our fortifications are not intended to serve as the refuge of weakness or as the strongholds of unpopular power. On the sea-board, in advance of populous cities and important harbors, they are designed to arrest the progress of hostile fleets, and force the invader to abandon his attack, or disembark his troops, and pursue his attack by land. The capacity of sea-coast defences to effect this object against the most powerful armaments that have ever been placed afloat, is amply demonstrated by the results of the late military operations in the Black sea and the Baltic.

Happily we may profit by the experience of others without suffering the evils that attend the practical solution of such problems.

Though our arms have heretofore been considered the best in use, recent inventions in Europe have produced changes in small arms, which are now being used in war, with such important results as have caused them to be noticed among the remarkable incidents of battles, and indicate that material modifications will be made in the future armament of troops.

The superiority of the grooved or rifle barrel and elongated ball, in range and accuracy of fire, has been long known; yet the difficulty of loading this weapon has hitherto, for most military purposes, counter-balanced its advantages. To overcome this difficulty two methods have been proposed; the first, by loading the piece at the breech, has been for some time in use, but has defects which all the ingenuity expended on it has failed to entirely overcome. The second method, which has produced the important results above indicated, is to use an oblong ball of such diameter as to be readily introduced into the piece, but which afterwards is expanded so as to fill the calibre. This was at first done by providing a rest or support at the junction of the chamber with the bore, as in Capt. Delvigne's method, or by means of a solid pillar in the axis of the barrel, upon which the ball rested, and was expanded by blows from a heavy rammer. This was the plan of Colonel Thouvenin, of the French army, and is known as the system "á la tige" which has been extensively used in their service. The same object was subsequently attained by inserting into the rear part of the ball a conical iron cup, which, being driven into the lead by the explosion of the charge, acted as a wedge to expand the ball. This is the plan known by the name of the inventor, Captain Minnié, of the French army. Still more recently, in England, the ball has been improved so as to expand by the force

of the powder alone, without the aid of the cup. This is known as the Pritchett ball, having been brought into use by Mr. Pritchett, a gun-maker of London. This idea also had been suggested by Capt. Delvigne.

My attention being drawn to the subject, I directed experiments to be made by the Ordnance department, both as to the proper shape of the ball and the best mode of grooving the barrel. In the course of these trials some important conclusions were reached, agreeing, as was afterwards ascertained, with the results of the investigations then making in Europe. Although our experiments have been confined to our service rifle and are yet incomplete, they confirm the great superiority claimed for this invention abroad. They show that the new weapon, while it can be loaded as readily as the ordinary musket, is at least equally effective at three times the distance. The foreign experiments indicate a still greater superiority of the new arms. These results render it almost certain that smooth-bored arms will be superseded as a military weapon; but great caution is requisite in introducing a general change in this important element of national defence, for the waste of public money is not the greatest of the evils resulting from the adoption of an erroneous system. The strong probability of a change, and the fact that we have already accumulated so large a supply, more than half a million of muskets and rifles, in the arsenals of the United States, besides about 300,000 in possession of the States, at a cost of near ten millions of dollars, render it not expedient to continue, at this time, on a large scale, if at all, the manufacture of small arms of our present patterns. But, until experience shall enable us to decide on the merits of the new improvements, I am of opinion that our expenditures for small arms should nearly be confined to the making of such as are required for fully testing these inventions. I have, however, asked for the usual appropriations for the national armories, in the hope that our experiments and trials in actual service, and the experience of the present war in Europe, will enable us soon to decide on the value of the recent modifications, and to continue the manufacture of arms upon improved models.

Congress, at its last session, made an appropriation for the purchase of a number of the best breech-loading rifles. To ascertain which, among the many that have been invented, are the best, public notice has been given, through the newspapers, of the appropriation and its object, inviting all inventors to furnish samples of their arms. When all who choose to compete shall have submitted their arms, a number of each kind,

deemed worthy of trial, will be subjected to such practical tests as may determine their relative merits as military weapons. Should the result, as it probably will, secure a substantial and simple breech-loading arm, it will supersede our present patterns for the use of cavalry.

The efficacy of these new patterns of arms will be further increased by an improved mode of priming, invented by Dr. Edward Maynard, which has been approved by the highest officers in our military and naval services. Operations are now in progress to perfect the details of fabricating the new primer, and applying it to finished arms of the old pattern, as well as to new ones now in process of manufacture.

In anticipation of an increased, if not exclusive, use of rifle-arms by the regular army, and because of the belief that the rifle or light infantry system of instruction is best adapted to the foot-militia, I have caused inquiries to be instituted into the systems used by the light troops of other countries, that complete light infantry or rifle tactics might be introduced into our service, with such improvements as the experience of other armies has shown to be valuable. A work on this subject is now in the course of preparation, and it is expected will be, in a short time, submitted to you for such action as it may be deemed worthy to receive.

Attention is again called to the necessity for legislation to provide a more certain and equitable mode for the distribution of arms among the militia, and to the propriety of supplying them with books of tactical instruction, as contemplated in the clause of the constitution "for training the militia according to the discipline prescribed by Congress."

I have to ask attention to the necessity for further legislation for the sale of useless military sites. According to the construction which has been given to the acts upon this subject, and which, though its correctness has been doubted, must be regarded as settled by the practice of the department, the act of March 3, 1819, applies only to military sites then held, and that of April 28, 1828, only to lands "conveyed to" the United States for forts, &c. According to these views, there is no provision for the sale of lands which, since the 3d of March, 1819, have been reserved from the public domain for military purposes, and I therefore recommend that the provisions of the acts giving authority to sell useless military sites, be extended to embrace those reservations.

Many reservations around military posts originally established on the frontier, and now rendered useless by the ad-

vance of population, have acquired great value, not only from the rise in the price of lands in such localities, but from improvements put upon them by the labor of the troops or at public expense. In disposing at public sale of some of these, which came within the act of 1819, it was found that the bids were far below the fair market value of the land—a result which has been attributed, no doubt correctly, to combinations among the bidders. I concur with the Quartermaster General in the opinion that similar results can be prevented in future only by establishing a minimum price, below which the land shall not be sold; and I recommend that provision be made for this purpose, in any act that may be passed on the subject.

The accounts of disbursing officers have been rendered with more than usual punctuality during the past year, but yet not with the promptitude which the department desires to enforce. Many officers, not having staff appointments, besides the performance of their appropriate duties in the active and arduous service of the frontier, are charged with the disbursement of public money, and with the care of public property. This, besides the labor it involves, subjects them to some loss which no care can avoid, and which is a tax upon their pay. To reimburse this loss, if not to remunerate their labor, I concur with the Quartermaster General in recommending that some additional pay be allowed.

I cannot too strongly urge the necessity of effectual measures being taken for the prompt settlement of accounts of disbursing officers at the treasury. The delay to which they are now subjected exerts a most injurious effect, by destroying the salutary impression of a watchful superintendence of public expenditures, paralyzes the efforts of the department to enforce promptness in accounting, by keeping it in ignorance of the true state of officers' accounts, and exposes them to loss by failing to give them notice of errors or defects of evidence until the accidents and mutations incident to army life have destroyed their ability to rectify the one or supply the other. One cause of the delay has been the distribution of military accounts between two auditors, both of whom, in some cases, have to settle different parts of the same account, and even sometimes different items of the same voucher. It is hoped this inconvenient and useless arrangement will be abolished, and all the military accounts committed to a single auditor. It is scarcely to be expected, however, that this measure alone will remove an evil which has resisted the earnest efforts of this department for a long series of years. It is, however, the remedy suggested

by our present knowledge of the case; and, if further investigation shall develop other causes of the delays complained of, it will also indicate the additional means necessary to complete the reform.

The arrangement made by the Treasury Department, by which disbursing officers are enabled to keep funds on deposite with the assistant treasurers of the United States, proves to be of great advantage to the service, and promises, when more perfectly understood and carried into full effect, to obviate most of the inconveniences heretofore experienced in transmitting funds and making disbursements in remote parts of the country. It preserves the control of the department over the public moneys till the moment of their expenditure, and enables it, in the event of the death of an officer, to reclaim its funds without waiting for the appointment of an administrator or the settlement of his accounts. It also removes, in a great measure, those temptations which the possession of large sums of ready money, in times of active speculative excitement, cannot fail to present.

I have again to invite attention to the necessity of some general provision for the prosecution of suits involving titles to lands and other public interests committed to the charge of this department, and for the settlement of accounts for counsel fees, costs, and other expenses incurred in maintaining the rights of the United States in such cases. In the absence of any provision of law on the subject, this department has been subject to exorbitant charges, and has experienced much embarrassment in the conduct of suits.

In pursuance of the views stated in my last annual report in reference to river and harbor improvements, the department has adhered, in the directions it has given, to the design of making them as complete as possible, without any operation being undertaken which would be dependent for its completion upon future appropriations. Some works have been completed in conformity with these views; but by reference to the reports of the colonels of the two corps of engineers, it will be seen that a large majority are unfinished, and that, in many cases, the balances of appropriations applicable thereto are not sufficient to effect results of much value. As no appropriations were made at the last session of Congress, I have deemed it unnecessary to present further estimates at this time.

To the general remarks upon this subject in my last annual report, I have only to add, that experience confirms the opinion that no benefit at all commensurate with the expense has been

obtained, or is to be expected, from appropriations granted and applied in the mode heretofore pursued. Much of the expenditure has been utterly lost for want of further appropriations to complete what has been commenced; and works completed have fallen into ruins for want of appropriations to preserve them from dilapidation by the violence of storms, the wear of currents, and the progress of natural decay. A rock or snag removed from a navigable channel is a benefit gained forever; but artificial structures to protect harbors, or change the course, or increase the velocity of currents, must undergo deterioration, which, however small, will be constant; and whatever policy may be hereafter adopted in regard to such works, it will be imperfect unless it embrace not only their completion upon the plans selected, but their preservation from the operation of the natural agencies which tend to destroy them, as well as from injury or occupation by trespassers. No means will be adequate for these objects, unless accompanied by a cession of exclusive jurisdiction over the site, or at least ownership of the soil. Questions have already arisen, which seem to indicate the difficulties which must inevitably occur from the want of jurisdiction and title whenever the powers now necessarily exercised in the prosecution of these works shall come in conflict with the rights or interests of individuals.

The survey of the northern and northwestern lakes has made steady progress, and the documents accompanying the report of the Colonel of Topographical Engineers show an unusual progress in this work accomplished during the past season.

The roads in course of construction in the Territory of Minnesota have been prosecuted with the means at the disposal of the department, and a document in the report from the Topographical Bureau will show the system pursued and the progress made in their construction. With regard to those in Oregon, Utah, and New Mexico, special instructions have been given from this department, of which copies are appended, designed, in each case, to secure, in the first place, a practicable wagon road between the termini, with such improvement afterwards as the balance of the appropriation would allow. The roads in New Mexico, from Taos to Santa Fé, and from Santa Fé to Dona Ana, authorized by the act of July 17, 1854, have not yet been commenced. The location of these, or at least of the latter, will depend in a great measure upon the success which may attend the efforts to obtain water along the route by wells, for which the act makes provision. The cheapest method of obtaining it will, it is believed, be by boring, for which purpose imple-

ments could not be obtained in that country. Measures have been taken to procure the necessary tools and apparatus in connexion with the examinations and trials to be made for the supply of water by artesian wells on the route for the Pacific railroad. When these have been completed, the same apparatus can be economically used for the wells on the military roads.

Since the date of my report of February 6, 1854, communicating to Congress copies of all reports then received from the engineers and other persons employed in explorations and surveys to ascertain the most practicable and economical route for a railroad from the Mississippi river to the Pacific ocean, the six parties engaged in those surveys have completed their field duties; reports from four of them have been received and printed, under a resolution of the House of Representatives, passed at the last session. The two remaining reports, it is expected, will be ready for the printer in the course of next month. No provision was made, by the resolution above cited, for engraving the maps; without them the reports are comparatively useless.

In making surveys of this character, the maps and reports being hastily prepared in the field, and generally at night, after a day of fatiguing duty, require careful revision in the office, and are considered as merely preliminary to the more elaborate results which finally take their place. Hence it has been found necessary to return some of the reports for revision, and in some cases to replot the work and make new maps.

When all the reports and maps are received, they will be laid before Congress, with a general report, and a map exhibiting all the routes, and such profiles and other drawings as will be necessary to illustrate the subject.

An appropriation having been made, at the last session, for continuing these surveys, a party has been organized to make further explorations between the plains of Los Angeles and the waters of the bay of San Francisco, to determine whether there be a practicable route for a railroad through the mountain passes of the Sierra Nevada and coast range, which extend to the sea coast at Point Conception. A second party is making preparations for testing the practicability of procuring water, by means of artesian wells, upon arid plains which occur on the several routes. The results of the surveys already made will, when assembled and compared, probably indicate the direction in which further explorations shall be made by parties organized to take the field next spring, as early as the season will permit.

I refer to the report of Captain Meigs, of the corps of engineers, the officer in charge of the Capitol extension, for a very satisfactory account of the progress of that work. The exterior facing of the walls has been retarded by the difficulty of obtaining, under the contract, a sufficient supply of marble; but the brick work is well advanced. The walls of the Senate chamber and Representatives hall are finished, and these rooms will be placed under roof during the present winter. It is expected they will be completed by the meeting of the next Congress; but the delay in the supply of marble may so retard the completion of the outer walls, and the corridors depending thereon, as to prevent their being occupied so early.

The style of the work, both in finish and strength, has been of a higher standard than was contemplated when the estimates were made, but the administrative capacity and professional skill of the officer in charge, have so kept down the expenditures that it is believed the cost will not exceed the estimates made for an inferior building.

The modifications made in the interior plan of the structure are now so far completed as to be seen and easily understood, and I feel additional assurance as to the successful solution of the difficult problems of acoustics, optics, and ventilation, presented especially in the construction of the Hall of Representatives.

Operations on the work designed to supply this city with water have been suspended for want of funds. It is hoped that appropriations will no longer be withheld from this important work. I have seen no reason to change the opinion that it was judiciously planned and located. My confidence is strengthened that it will be completed at a cost within the estimate, and will secure the object in view with more certainty, and, taking into view the permanence of the work, its capacity to supply future wants, and the absence of machinery entailing annual expense, more economically than any other mode that has been suggested.

By the civil and diplomatic appropriation act, approved August 4, 1854, this department was authorized to purchase for $200,000 the large fire-proof building at the corner of F and 17th streets, which has long been occupied in common by bureaus of the Treasury, Interior, Navy, and War Department. The lease under which it was held expired on the 30th of June, and the owner, who had given the department due notice, refused to renew it for a less rent than $30,000 per annum, which Con-

gress had refused to appropriate. A thorough survey of the building was made by competent engineers and builders, who estimated its value in its actual condition at $197,042, $197,997, and $198,342, respectively, and after some negotiation the owner agreed to accept the amount of the appropriation in payment for the building and in satisfaction of all claims for damages, and also for arrears of rent accrued since the termination of the lease—nearly three months, which could not be paid, as the act was regarded as making an appropriation either for purchase or rent, but not for both.

It is true the plan of the building was not considered as the best adapted for public offices, but Congress had refused to allow the rent demanded by the owner, and had thus left the department no alternative but to purchase or vacate it. Between these conditions there was scarcely a choice. Accommodations elsewhere could not be procured without much difficulty, and I should have felt great reluctance to place in insecure buildings the valuable records stored there; some of which, if destroyed by fire, could not be replaced at a cost less than the price of the building, while others could not be replaced at all; the purchase was therefore concluded upon the terms stated. I have submitted an estimate for repairs and improvements sufficient to put the building in proper condition. Much of the repairs now proposed would have been equally necessary had the government vacated the building, instead of purchasing, as the lease provided that the building should be restored in a good state of repair. The cost of the additional improvements will hardly exceed the amount of the rent that was released in the contract of purchase.

It is hardly necessary to remark that the purchase of this building in no degree obviates the necessity, heretofore frequently presented, of replacing the building assigned for the use of this department with a fire-proof structure.

The accompanying reports of the Commanding General of the army and the chiefs of the several branches of the military service, contain full and exact information in relation to the duties with which they are respectively charged. To these I refer for such details as could not be embraced in this report.

I have the honor to be, very respectfully, you obedient servant,

JEFFERSON DAVIS,
Secretary of War.

To the PRESIDENT *of the United States.*

Jefferson Davis to John E. Wool.

(From Letter Books Secretary of War Old Records Division, War Department.)

War Department
Washington Dec[r] 13' 1854

Brevet Major General John E. Wool,
Commanding the
Department of the Pacific
Benicia,
California

Sir

Your letter of the 13' of October reached me when I was too much engaged in preparations for the meeting of Congress to reply. I was surprised at its contents, although I had previously seen in a San Francisco newspaper the same topics discussed in much the same language which is used in your letter. In both, the object is to make it appear that you have been exposed to undeserved censure and that approval has been withheld for the faithful performance of duties imposed upon you by instructions. Approval or disapproval is a matter of judgment, not of volition. That no proneness to censure exists is shown by the reserve with which the Department received the announcement of various proceedings which it could not commend. Among the most prominent of these is the postponement of military duties to which you were expected to give your personal attention. This was not satisfactorily explained by the statement of your constant occupation in preventing unlawful expeditions against foreign territories a service to which your attention was specially called as being in addition to the ordinary duties of the Department commander. You claim that, under your instructions, this duty was "paramount;" a recurrence to those instructions and the circumstances under which they were given, will aid in understanding the questions involved.

It is always a delicate matter to attempt to quote conversations from memory, and it is unnecessary to do so, when, as in this case, the conversations resulted in a correspondence which covered the whole subject. I shall not therefore follow your example in this, but rely on what was written, and refer to the correspondence in which you made known your views, and the Department defined your duties.

On the 7' of January the order was given for your assign-

ment to the command, and on that day you addressed to this Department a written communication stating your views in regard to the duties you were about to assume. In that letter you state that you understand the object of your assignment to be to protect the inhabitants, and "to restrain our citizens "from violating treaties or the neutrality of the country by "fitting out expeditions against nations with whom we are "at peace." You add "If I comprehend the law on this sub- "ject in order to act efficiently in all cases, it will be necessary "for the President to delegate the power to me by special in- "structions." The brief sentences quoted are all that occur on this subject in a letter of more than four pages. The remainder is occupied principally by a consideration of the relations between the whites and the Indians, and urging the necessity of being invested by the President with certain powers (which this Department could not confer) in relation to the Indians, and also with authority to call out militia. If, at this time, you had been informed that the duty of preventing illegal expeditions was one of paramount importance, it is inexplicable that you did not devote more space to it. You would certainly have been warranted in discussing at some length, the considerations connected with the exercise of a power to be specially delegated by the President. If this letter is to be taken as indicating more fully your views of the duties to devolve upon you—that of preventing illegal expeditions then occupied a very subordinate position in the scale of their relative importance.

On the 10' of January you wrote that a recent arrival from California reported that an illegal expedition had been recently fitted out at San Francisco, and others were preparing to follow. You added "I am not in possession of all your views in "relation to the course that ought to be pursued towards such "expeditions, and yet, if a decided and efficient course is to "be adopted and followed on my arrival in California to pre- "vent similar expeditions against Lower California, I would "suggest that the two companies at Fort Hamilton, New York, "or two other companies from some other part be ordered to "accompany me on the 20' instant by way of the isthmus."

By this it is shown that as late as the 10' of January the views of the Department in relation to unlawful military expeditions had not been made fully known to you. No interviews were had on the subject after that date; whatever was subsequently communicated to you was contained in the instructions of January 12' issued after you had left Washington.

Before citing those instructions it may be well to remark that the intention of the Department might be gathered as well from what was declined as from what was done.

Special powers such as you asked, had been given to several high military officers by commission under the hand of the President, countersigned by the Secretary of State—such a commission had been given to your predecessor, General Hitchcock, and must be on record at your headquarters, but no such commission was given you, and the two companies you thought it necessary should accompany you were not sent forward.

You claim that the instructions of January 12' were in conformity to your suggestions and affirmed your views—nothing can be further from the fact. The only suggestion you made in that letter was not adopted nor was that made on the 10' of January. No measures specially in view of that subject were taken, and no special authority or instructions from the President were given at all. The President was not alluded to in the instructions, because it was determined after full consideration, that the Department should confine itself in all those matters to its well defined and ordinary powers. Had it been any part of the object of the instructions of January 12' to adopt your views, or to confirm a verbal understanding which, for any reason it was deemed proper not to put in writing, there would necessarily have been some references to it. But such is not the case. The instructions stand alone, and contain all the authority that the Department, after conference with you, desired to grant. I am therefore unable to perceive how you reach the conclusion that the instructions of January 12'—conformed to your suggestions, and affirmed your views, when not one of them was adopted, or even referred to.

In the instructions of January 12' after stating that it is deemed proper to direct your attention to certain special duties that will devolve upon you, this passage occurs, "Among these "will be the duty of maintaining our international obligations "by preventing unlawful expeditions against the territories of "foreign powers. Confidence is felt that you will, to the utmost "of your ability, use all proper means to detect the fitting "out of armed expeditions against countries with which the "United States are at peace, and will zealously cooperate with "the civil authorities in maintaining the neutrality laws."

Then follow in succession instructions with regard to the protection of the Mexican frontier from Indian incursions in fulfilment of the treaty of Guadalupe Hidalgo, to the protection of our own citizens from hostile Indians, to the removal of Indians

to the reservations provided for them and the establishment of posts in their vicinity, to the supervision of expenditures and to the collection of topographical information. As the question is as to the relative importance of these duties, it is to be remarked that very nearly the same space is devoted to each, and all are enforced in about equally strong language.

Upon a review of these facts, my judgment is much at fault, if there can be found any ground for giving more importance to the duty of preventing illegal expeditions against Mexico, than to the protection of our own citizens.

It is true those instructions left much to your discretion, but not to the extent you claim. In the general proposition that it was your duty to prevent unlawful expeditions against the territories of foreign powers, there was attached a clause prescribing how you were to proceed for that purpose; it was by detecting preparations for such expeditions, and by cooperating with the civil officers whose duty it was to arrest them. It was obvious that your official relations with numerous officers stationed in every part of California and Oregon, would give you opportunity which no other public officer possessed of gaining early information of any such movement. It was not intended or supposed that an officer holding the highest grade in the Army, and entrusted with the duty of preserving order among numerous Indian tribes, and guarding the lives and property of our citizens within the limits of an extensive command, would confine himself month after month to a single city, for the purpose of aiding the civil authorities in watching the movements of secret Associations, and preventing the commission of civil misdemeanors,—a pursuit in which his high military rank and experience gave him little, if any advantage, while it lent to the prosecutions, especially when directed against foreigners, a character which they would not have possessed, if conducted like others, proceeding only from the action of the judiciary.

That your devotion to this service has been attended with disadvantage to your military duties is an opinion in which I am sustained by yourself. Your letters of April 14' and May 15' show that you were aware of the consequences to which your exclusive devotion to a single pursuit was leading. In the former, indeed, you state in terms, that since your arrival in San Francisco, most of your time had been occupied in ferreting out and defeating the schemes of fillibusters, and you had not been able to devote that attention to your professional duties which the public interest demanded. One of these duties,

the first which you proposed to undertake, and from which beneficial results were expected, was the personal inspection of your command, and the exploration of the country, with a view to make such a disposition of the troops as would tend to check Indian depredations. At present you speak of that intended inspection as a voluntary desire to inspect your command, to be carried into effect or abandoned at will; but such was not the light in which you originally placed it before the Department. In your letter of January 7' you spoke of that inspection as necessary before posts could be established to restrain the roving bands of Indians from depredations upon the whites. This was surely an object second to none in importance. That it occupied a prominent place in your mind, is shown by your letter of February 28' written but two weeks after your arrival, in which you deem it necessary to state why you had not at once entered on the inspection; incessant rain had prevented you, but as soon as the weather should permit, you would commence the duty and continue it until completed. The same subject is renewed in your letters of March 1st, March 14' and April 10', showing the importance you attached to it, but it was soon lost sight of in a more absorbing pursuit. You now account for your failure to perform this duty by disability, by paramount duties (understood to be the preventing of unlawful expeditions) and, in fine, by the removal of all necessity for it by the inspection tour of Colonel Mansfield. With regard to the disability which, of course, would constitute a valid excuse for the non performance of any duty, I can only say, it is here for the first time offered in our correspondence. In your earlier letters, the delay was attributed to the rains. On the subject of paramount duties, I have already expressed an opinion, and with regard to the inspection by Colo. Mansfield, I do not see that it had any bearing on the subject. Colonel Mansfield was not sent to aid you in the performance of your duties but to inspect your command and report the condition of it to the Commanding General and this Department.

In relation to the troops required for your Department and the disposition to be made of them, your reports evince such fluctuations of opinion as could not have been anticipated, and necessarily embarrass my efforts to cooperate with you. In my letter of January 12' I stated that the force assigned to your department was known to be inadequate to the duties required of it. In your report of February 28' you stated that an increase of force to guard against difficulties with the Indians

in California, Utah, Oregon and Washington, was indispensable. Your letter of March 14' forwards reports of Indian difficulties in Oregon and urges the necessity of an increase of force to protect the Indians as well as the whites from mutual aggressions. In your letter of March 31' to the Commanding General, you say, "The difficulty of preserving the peace of the "country is daily increasing, owing to the increase of emigrants "who are constantly encroaching upon the Indians and de- "priving them of their improvements. This produces collisions "between the two races, white and red, which too frequently "end in bloodshed. To keep them quiet and to preserve peace, "a large military force is indispensable. We have now less "than a thousand men to guard and defend California, Oregon, "Washington and Utah, altogether in size, an empire of itself. "To guard this Department and to defend it, with almost an "innumerable number of Indian tribes, requires at least one "regiment of Artillery, two of Dragoons and three of Infantry. "A force certainly small to preserve and keep quiet so ex- "tended a country. Allow me to request, General, that you "will urge upon the War Department to send another regi- "ment as soon as practicable."

In your letter of May 30' you explain your reasons for calling for more troops and represent the peace of the country as almost daily threatened by whites and Indians. On the 15 of June you received an order to remove from the Presidio the troops which were believed to be greatly needed elsewhere, and to establish your headquarters at Benicia. This order was given in an endorsement upon letters from yourself and staff, representing the insufficiency of the allowance made you to rent quarters for yourselves at San Francisco and applying for an increase of commutation. About that time there were, according to a report from the Quarter Master General 48 assignable rooms in the public quarters at Benicia, worth, at the rates you asked to be allowed $28,800 per annum. The order was intended to relieve at once the officers from a tax, and the Government from unnecessary expense—it was however received with great dissatisfaction and numerous objections to leaving San Francisco were stated in a letter written the day you received the order. Among them was the singular statement that you found yourself embarrassed as to what to do with the companies which were to be removed from the Presidio. One of them you could find place for, but not for the other; all the quarters at the various posts were occupied; and there were no quarters or barracks for either officers or men except

at Monterey. You judged correctly that some explanation was necessary to reconcile this with your recent calls for troops, and explain it in these words, "That these remarks may not "seem inconsistent with the representations I have heretofore "made of the want of troops in this department, and especially "in my letter to Major General Scott of March 31' I must "say that my instructions from the Hon. Secretary of War, "extend my command over Utah; that when I left the East, "it was supposed a law would be passed increasing the number "of regiments in service, and in view of that increase, I hoped "to receive one or more regiments to be posted in Utah. The "late communications of the Secretary of War to me, make "me hesitate to assume the responsibility of erecting new "quarters at any of the posts, and by the disposition already "made of the troops in this State, Oregon and Washington "territories, all the quarters are fully occupied. Of course "I cannot send two or three companies to Utah. Hence my "present embarrassment in relation to stationing the two com- "panies now at the Presidio, and the two under Lieut. Colonel "Steptoe."

I must remark upon this, that the purpose for which you here declare you desired the troops you had so urgently called for viz: to take post in Utah, is first put forth in this letter and is irreconcileable with the objects declared in earlier letters, which represented the most pressing necessity for them in Oregon, Washington and the northern part of California: as for your hoping "to receive one or more regiments to be posted in Utah," I can only regard it as a momentary error. The entire addition to the army asked for was but three regiments, and how could you have expected one or more of these to be sent to that remote portion of the department, when troops were so much wanted in other parts of your command. That this idea could not have been seriously entertained, is made manifest by your letter of October 23d in which you very satisfactorily show (what the Department well knew that troops intended for Utah should not be sent to the Pacific at all, but go over land. Those you asked to be sent to you, therefore, could not have been intended for Utah. Your allusion to a late communication from the Secretary of War, which causes you to hesitate to erect barracks for the troops, can only apply to that of April 13' declining to pay drafts drawn by your order for funds to erect an Ordnance store house at Benicia. There was no appropriation legally applicable to

the erection of such a building, and this was stated to you as the reason for the non payment of your draft, while it was admitted at the same time that the accommodation was necessary, and you were informed that an appropriation had been asked for it. The barracks, on the contrary, could have been built from the ordinary appropriation which has never failed to be made annually to provide shelter for the troops; and which was then available. Having shown, on the 15' June that you had no means of disposing of a single company advantageously, on the 14' September you report that you have not a company available to establish a new post, represented to be much needed in the Northern part of Washington; and again, on the 23d of October, you earnestly remonstrate against the 6' Infantry being sent to your department before next Spring.

On the whole it appears to me that your correspondence on this subject manifests a want of definite purpose and system in the disposal of the troops, which I can only attribute to the devotion of an undue portion of your time and attention to other than the proper duties of your command.

In the conclusion of your letter you present a group of services for which you claim credit—the preservation of peace in the Indian country—the erection at small expense, of temporary batteries for the protection of San Francisco harbor, the erection of an arsenal building at Benicia, the establishment of a new post in the Indian reservation at the Tejon pass, and preventing the loss of a million dollars worth of public property at the Presidio. Upon these points, since you urge them upon my attention, I will briefly remark.

It would surely be very gratifying to me could I acknowledge your claim for having preserved peace in the Indian country, but to do this I should have to forget not only the outrages you yourself have reported, but others equal in atrocity to any that took place during the time of your predecessor.

The propriety of erecting the temporary batteries to which you refer, depends upon the necessity; this has not been fully shown to the Department, and in the mean time rests on the presumption that you have exercised a sound discretion. An armament was sent to San Francisco, as to the other places similarly situated, to meet any emergency which might arise before the completion of the fortifications under construction. Your order to the Engineer officers to mount twenty guns, was readily complied with to this extent that guns and carriages had been sent to them, and it is not a matter of surprize that

with earthen epaulments this could be done at a very small expense. But these temporary works will have to be levelled when the forts are completed and the guns placed in their proper permanent positions. The double expenditure, therefore, is to be justified only by an emergency requiring more prompt preparation for defence than was consistent with the plan of the permanent works which had been approved, and for which the appropriation had been made.

The necessity for additional store room at Benicia was known before you took command and an appropriation had been asked in the annual estimates for the construction of an Arsenal there. You had a building erected before the appropriation was made, and without taking those measures respecting title to the site which the law requires; you certainly anticipated the action of Congress, but to do so, you raised money by drawing drafts which could not be paid and the protest of which threw loss upon a subordinate officer. The establishment of a new post at the Tejon reservation, if in fact it had been done, would have been in accordance with the instructions of this Department. The post, however, is reported to be not on the reserve, but fifteen miles distant, and I am now awaiting explanations which have been required from you on the subject. The danger which threatened public property to the amount of a million dollars, was the seizure by trespassers of the Presidio reservation, and the sites of the fortifications, upon the withdrawal of the troops. The occupation of the land by intruders, whom the Department has power, under an Act of Congress to remove at any moment, by an order to the United States Marshal would hardly have involved its entire loss to the Government. Still it was proper to leave a guard to protect it from intrusion, and as the Department gave an order to that effect, upon your representations, this may be considered as a sufficient acknowledgement of the correctness of your views.

In conclusion, I will take occasion to say, that in the offer of the very important command you now hold, you had the best evidence of the estimation in which you were held. If, in this field of duty, which you forcibly describe as equal in extent to an empire, you have failed to sustain the confidence reposed in you, it would seem to be cause for regret rather than for complaint.

Very respectfully, Yr obt Serv

Jeffn Davis

Secretary of War.

Jefferson Davis to John Y. Mason.[1]

(From Letter Books Secretary of War Old Records Division, War Department.)

War Department
Washington Dec 15, 1854

Hon. John Y. Mason,
Minister &c &c
Paris

Sir,

Mr. Jules Marcou, a native of France, served with a party engaged under the direction of this Department in surveying a route for a rail road to the Pacific, and on concluding his work in the field retained possession of certain notes, sketches and specimens for the purpose of making a general report. He was also entrusted with minerals, collected by another party for the purpose of making an analysis and preparing a description of them. Without completing his report he embarked for France taking with him a great part of the property above mentioned, which it is important to this Department to recover.

I have therefore the honor to enclose herewith statements from the officers by whom Mr. Marcou was employed, and letters from himself containing such description of the property as can be furnished, with evidence of his having the same in his possession, and have to request that you will take such measures as may most speedily lead to the recovery of all the property in question.

You will please pay by draft on this Department such expenses as may be necessarily incurred, taking, at the same time, and forwarding the vouchers that will be necessary to pass the account at the Treasury.

Very respectfully, Your Obt Serv
JEFFN DAVIS
Secretary of War.

[1] Mason, John Young (1799-1859), a political leader, was born in Greenville County, Virginia, April 18, 1799, graduated at the University of North Carolina in 1816, studied law in Litchfield, Conn., was admitted to the bar in 1819, and commenced practise in Hicksford, Va. He represented Southampton County in the lower house of the Virginia legislature, 1819-1829; was a judge of the superior court, 1829-1831; served as a member of the national House of Representatives from March 4, 1831 to January 11, 1837, and was for a time chairman of the Committee on Military Affairs. He was judge of the U. S. district court for the district of Virginia, 1837-1844; was Secretary of the Navy in President Tyler's cabinet from March 14, 1844, to March 4, 1845; Attorney General in President Polk's cabinet from March 5, 1845, to September 9, 1846,

Jefferson Davis to C. J. Faulkner.

(From Letter Books Secretary of War Old Records Division, War Department.)

War Department
December 20, 1854

Hon. C. J. Faulkner,
House of Rep^s^
Dear Sir,

At a late hour last evening I sent you the bill as reported in the Senate for the increase and better organization of the Army, with some marginal additions. To you they will explain themselves, but I take this occasion to say a few words in relation to each, rather to express the relative importance which I attach to them than for any other purpose.

The first refers to the supply of clothing which was accidentally omitted in the draft furnished. It seemed to be a more equal distribution to place this duty in the hands of the Subsistence Department, to be turned over to the Quarter Masters Department for transportation and distribution as supplies of subsistence now are. The Quarter Masters Department now has charge of the supply of clothing, and it is due to say, performs the duty very satisfactorily. As there is, oftentimes, in the introduction of different matter in the two houses where committees are working to effect the same object, this addition may be omitted, if in your opinion it is politic to do so without injuriously affecting the public service.

The second is in relation to allowances to officers when absent from their post of duty. The exception is one which will commend itself as a tribute to suffering in the cause of our country. The general rule proposed rests upon the idea that "*allowances*" are given to an officer to enable him to perform his duty, and therefore when absent from duty, may be properly withheld. Long service constitutes a claim to leaves of absence, and an explanation for absence on account of disability. Whatever is due to this consideration may perhaps be rendered by allowing the service ration to be drawn during absence. This is further sustained by the fact that it is most important to have the younger officers constantly on duty. The good which is expected to result, is the additional reason which will be afforded to officers to remain steadily at their posts.

when he succeeded George Bancroft as Secretary of the Navy; was president of the Virginia constitutional convention of 1850; and Minister to France from 1854 until his death in Paris, October 3, 1859.

The third is the provision which limits the power of the President to place officers on the retired list to the period of one year. The measure is, in some sense, an experiment with us—there can be little doubt of its propriety as a remedy for the existing evil; but that being cured, it may be doubtful whether the continued use of the remedy would be beneficial, or otherwise. I would say then, the first may be readily surrendered, to avoid any difficulty or embarrassment in the progress of the measure. The second I think deserves to be insisted on—and the third I consider very desirable.

I will be happy from time to time to confer with you more freely, in person than can be done by letter, and have the honor to remain—

Very respectfully, Your Obt Serv
JEFFN DAVIS
Secretary of War

Jefferson Davis to J. G. Parke.

(From Letter Books Secretary of War Old Records Division, War Department.)

War Department
Washington 1854

Lieut. J. G. Parke,
U. S. Topographical Engineers
Washington,

Sir,

The following duties are assigned to you under the appropriation for continuing explorations and surveys to ascertain the most practicable and economical route for a rail road from the Mississippi river to the Pacific Ocean.

First, To make such explorations and surveys as will determine the practicability of a rail road from the Bay of San Francisco to the plains of Los Angeles by a route west of the Coast range.

Second, To determine whether the valley of the Mohave river joins that of the Colorado, and will afford a practicable route for a rail road, and to explore the line recommended for examination by Lieut. Whipple from Soda Lake, Mohave river, to the Colorado river by the Chem-e-hue-vas plain or valley.

Third. To make the additional examinations and surveys, recommended in your report, upon the route from the Pema villages to the Rio Grande.

The geological examinations and surveys over this portion of the route are to be made with an especial view to obtaining an ample supply of water for rail road purposes by Artesian wells or by other means if that proves to be impracticable.

It is unnecessary to enter into details as to the nature of the surveys required, and of the information. They will be such as to furnish all the important elements in the solution of the question of practicability and economy in location, construction, working and support of a rail road communication through the region of country passed over.

The surveys in the mountain passes will be sufficiently careful and minute to determine with precision their practicability or impracticability.

The geological information is considered to be especially valuable not only on determining the character of the country, the nature of the difficulties to be overcome, and the quality position and extent of the building materials to be found; but in ascertaining the probability of supplies of water in arid regions at suitable distances for rail road purposes and for irrigation where this is essential to agriculture. In these arid regions the collection of wells becomes of additional interest.

Your attention will be directed to the botany and natural history of the country, and to such other objects tending to illustrate its present and future condition and resources, to which the attention of the parties heretofore organized has been called, so far as they have a practical bearing upon the question of building and supporting a rail road.

A comparison of profiles over the same lines, made by the barometer and spirit level on the surveys of Lieut. Williamson, promises to yield some interesting information upon barometric levelling additional means of comparison are desirable. To execute these duties you are authorised to employ the following assistants, viz: a geologist, civil Engineer, Draughtsman, Meteorologist and computor at the rates proposed by you; they will receive in addition to their compensation the actual cost of transportation to and from the field, to employ such hands, teamsters &c as are necessary to purchase the instruments named in your requisition, also camp equipage, wagons mules, harness &c should the Quarter Master's Department not be able to furnish the means of transportation to you upon the conditions specified in the orders to that Department.

The Commanding General of the Pacific Division will be directed to assign an escort of Infantry to accompany the expedition from Los Angeles, California to Fort Fillmore, New Mexico,

and to instruct the Commanding Officer of the escort to furnish you such aid and assistance as will tend to facilitate your operations, and to designate an officer of the Army to perform the duties of Quarter master and Commissary to the expedition.

The Quarter Masters Department will be directed to furnish you with mules, wagons and equipments and such other public property as may be needed for the use of the expedition, which will be returned to that Department upon the completion of the field duties, payment being made for such mules as may have been lost, or as may be found unfit for use, and of other public property lost or seriously damaged.

The Commissary Department will furnish you with such provisions and stores as you may need for the use of the expedition to be paid for out of the appropriation for the survey at cost at place of delivery.

The Ordnance Department will furnish arms &c and the Medical Department medicines &c for the parties upon your requisition.

The sum of $39,000 is set apart from the appropriation for the expenses of the survey entrusted to you. With your assistants you will proceed without delay to San Francisco and organize your party there or at Benicia as may be most convenient.

The best route by which to connect the waters of the Bay of San Francisco with the valley of the Rio Salinas will probably be the Rio Pajaro to its mouth and thence along the coast to the mouth of the Salinas. Ascending the valley of the Salinas to San Miguel or Santa Margarita near the head waters of the Salinas. You will then make a thorough examination of the valleys of the various affluents of that stream, and survey such as promise to afford practicable grades through the mountain passes of the coast range, which come down to the shore at Point Conception to the plain of Los Angeles.

The examination and surveys must be sufficiently extensive and thorough to exhaust the subject.

Should this connexion prove impracticable you will ascertain the practicability of passing from the valley of the Salinas near its source to the coast and along the coast to the plain of Los Angeles.

The Department desires to be informed at the earliest possible day of the result of these examinations and surveys.

This duty being completed and the connexion made with the lines of survey of Lieut. Whipple or Lieut. Williamson, you will proceed to the Mohave river near Soda Lake, and ascertain

whether a continuous valley from the lake to the Colorado exists and affords a practicable route for a rail road. You will also, if practicable, explore the line recommended for examination by Lieut. Whipple from Soda Lake to the Colorado by the Chem-e-hue-vas plain or valley.

You will then proceed to the Gila river and ascertaining carefully the practicability of a road between the Pema villages and the mouth of the San Pedro, you will make the examination and surveys recommended in your report upon the route surveyed by you between the Gila and the Rio Grande. Over this ground the geological examination and survey will be particularly minute because it is especially important to determine the practicability of obtaining a supply of water ample for the uses of a railroad, either by Artesian wells or by other modes.

These duties being completed, should any further examinations or surveys be assigned to you, instructions will be sent to Fort Fillmore.—Should no further field duties be required of you, you will discharge your party, dispose of your outfit to the best advantage and proceed with your Assistants to this place and make out your report.

Very respectfully, Yr obt Serv—
JEFFN DAVIS
Secretary of War.

Jefferson Davis to Robert McClelland.

(From Letter Books Secretary of War Old Records Division, War Department.)

War Department
Washington January 3d 1855

Hon. R. McClelland,
Secretary of the Interior
Sir,

I have received the enclosed letter from George Butler Esqr Cherokee Agent with a copy of his communication to you of the 23d ultimo, in relation to the complaint of Rev[d] S. A. Worcester, that certain negroes, supposed to be free, had been captured and offered for sale under the authority to reclaim fugitive slaves in the Indian country. Accompanying it is also a copy of a petition from John B. Davis to the Superintendent of Indian Affairs making a claim for these negroes as his property and an order from the Superintendent to the Chief and Head men of the Creek nation to deliver up the same, which order purported to be based upon the opinion of the Attorney

General of the United States of April 28'—and a letter of the Secretary of War of May 19'—1854.

The letter of mine referred to can be no other than one of that date, a copy of which is herewith enclosed, written to the Hon. Stephen Cocke of Mississippi, who addressed me as the Attorney of Mr. Davis the claimant, and which was written in reply to some complaints of the inactivity of the Government in securing to Mr. Davis his runaway slaves. It certainly was not intended by me that Mr. Davis should use it as any authority for action by the Superintendent of Indian Affairs, over whom I have no control; or the officer commanding the troops in that country, but simply as an explanation to a friend of the mode proper for Mr Davis to pursue in recovering his property. In a previous letter (copy also herewith) I expressly informed Mr. Cocke that "Mr Davis cannot be made the medium of communicating the orders of this Department to its officers, but that the commanding officer will receive the necessary instructions through the ordinary military channel." A copy of a letter from the Adjutant General to that officer conveying such instructions is also enclosed herewith.

As it is evident there has been a great irregularity in this transaction, and that a letter of mine to a citizen of Mississippi has been made the basis of action in a matter connected with your Department, I take the earliest opportunity to submit the facts to your consideration.

Very respectfully Yr obt Serv
JEFFN DAVIS
Secretary of War.

Jefferson Davis to John Pope.[1]

(From Letter Books Secretary of War Old Records Division, War Department.)

War Department
Washington January 5, 1855

Brevet Captain John Pope,
U. S. Topographical Engineer
St Louis
Missouri

Sir,

Under the appropriation for continuing explorations and surveys to ascertain the most practicable and economical route

[1] Pope, John (1823-1892), a soldier, was born in Louisville, Ky., March 12, 1823, and was graduated from West Point in 1842. He was brevetted 1st lieutenant for gallantry at Monterey, and captain for gallantry at

for a rail road from the Mississippi river to the Pacific ocean, the duty is assigned to you of determining the practicability of procuring water by Artesian wells upon a portion of the arid plains which present a serious obstacle to the construction of a road upon the routes explored.

For this purpose you will proceed to some point where Artesian wells have been constructed and having informed yourself thoroughly as to the tools, apparatus and means required for boring successfully, you will have prepared without delay such tools and machinery as it may be necessary to carry with you. These and such other preparations as are required being completed and the proper assistance secured, you will repair with your tools, apparatus, provisions, equipage &c to Indianola, Texas, where, having completed the organization of your party, you will proceed by the most direct route to some point in the Llano Estacado, east of the Pecos river, which shall be found the best suited to the object in view, regard being had in the selection of this point, to the facility of supplying and protecting your camp as well as to that of geological formation.

Such provisions &c should be taken to this point as will make it unnecessary to send a detachment to the Rio Grande for further supplies. Should the boring be found to proceed rapidly and a successful result be obtained at an earlier day than is now anticipated, you will, in the event of receiving no further directions from the Department, proceed with your party, apparatus &c to the plains or basins west of the Rio Grande in about the latitude of 32° and at such point in one of these basins or plains near the line of the route, examined by Lieut. Parke, as may from geological indications promise to give successful results, and there establish your party and test practically again the question of obtaining water by artesian wells.

You are authorized to employ, upon the terms heretofore stated, a geologist and such other assistants as the nature of the duty assigned to you may require, and to make the purchases enumerated in your estimate.

Buena Vista. He was chief of the survey of the Pacific railroad route near the 32nd parallel, 1853-1859. In the Civil War he was made brigadier-general of U. S. volunteers, May 17, 1861, and assigned to the command of the District of Northern Missouri. He defeated General Price at Blackwater; was made major-general of volunteers, March 21, 1862; cooperated with Foote in the capture of Island No. 10; laid siege to Corinth; was placed in command of the army of Virginia; suffered defeat in the second battle of Bull Run, was relieved of the command, and sent to fight the Sioux Indians. He retired from the army March 16, 1886, and died at Sandusky, Ohio, September 23, 1892. Consult J. C. Ropes, The Army under Pope, 229 pp., New York, 1881.

When the party has reached the region in which the Artesian wells are to be sunk, the geological examinations are to be made with a view solely to procuring water by this means.

Further directions will be sent to you addressed to Franklin, El Paso County, Texas, and Fort Fillmore, New Mexico, respecting the duties, to follow those already assigned to you.

The Quarter masters, Commissaries of Subsistence, Ordnance and Medical officers in Texas and New Mexico, will be directed to furnish you on the usual terms, with camp equipage, provisions, arms, ammunition, medicines and such other public property as may be needed and can be spared for the use of your party—the articles to be paid for out of the funds placed at your disposal, and accounted for in your returns.

The Commanding General of the Department of Texas will be directed to assign an escort of one company of Infantry to meet your party at San Antonio, Texas.

That no misunderstanding may arise as to the nature and extent of the control over the escort to be exercised by the officer in charge of this duty, full and precise orders upon the subject will be issued to the officer commanding the escort, and a copy of them sent to you.

While the work of boring is progressing it is desirable that careful astronomical determinations of the position and full meteorological observations be made.

It is unnecessary to do more than call your attention to the desire that the Department has for availing of every occasion to add to the incomplete information, already possessed of the Geography, Topography and physical condition generally of the region over which your movements will extend; it is expected that the opportunities thus afforded will be diligently used.

You will, as far as the means of communication will admit, keep the Department informed of your movements and the progress of the work entrusted to you.

A requisition has been made in your favor for the amount of your estimate $23,200 dollars. A rigid enconomy will be exercised in your disbursements, and it is hoped that no obligation will be incurred beyond the limit indicated by the sum made subject to your draft.

Instructions will be given to the officer commanding the escort to furnish you as many men as he can spare from the military duties, and as you may require for laborers &c to be paid as on extra duty, when employed at labor for a period of more than

ten days. This arrangement will obviate in some degree the necessity of employing civilians, and it is hoped will relieve your funds of some heavy charges.

Very respectfully Yr obt Serv
JEFFN DAVIS
Secretary of War.

Jefferson Davis to James Buchanan.

(From Pennsylvania Historical Society.)

Washington City
January 6, 1855

Sir

Permit me to introduce to your acquaintance Charles E. D. Wood, Esqr. a brother of my friend and connexion Dr. Wood of the Army, and a gentleman of great worth and intelligence. He is about to visit England and the Continent, and any civilities you may be able to offer him will be appreciated by him and will by myself be received as a personal favor.

Very respectfully,
Your Ob St.
JEFFN: DAVIS

Hon James Buchanan
Minister &c
London

John J. McRae[1] *to Jefferson Davis.*

(From the Library of Congress. Manuscripts Division.)

Executive Mansion
Jany. 13th 1855

Dear Col,

Your long and interesting letter of 10th October in answer to mine from Pontotoc, came duly to hand here, but did not reach me until two weeks before the close of the Canvass, being forwarded to me on the way, and when speaking every day, and worn out with the fatigue and excitement of the canvass, I had no moment to write, and no mind to do so, even to my best friends. After the election I was taken sick, this lost me a week—the Yellow fever was still lingering here—my family was

[1] Governor of Mississippi, 1854-1857.

absent—my servants had the fever at the Mansion, I was afraid to bring Mrs McRae home, but as soon as I was able, left my room, took a buggy and went after her, and was gone over a week. On my return found many things to be attended to in my Office, which had been neglected in my absence, this occupied me two weeks—I was then obliged to go to my home in the East & to Mobile, to look after my little business interests, neglected for more than a year—this required an absence of near three weeks. On my return I had but little more than two weeks to prepare for the meeting of the Legislature—the Christmas and New Year holidays intervening—and the Message and the Inaugural to prepare, and worse than all, debts to be dunned for, and no money to pay with, and a host of petty annoyances thrown in, which make up the detail of my excuse for not writing to any of my friends, and not answering your letter. Dont you think the excuse a good one? These things have now all passed away—the Legislature in session—the Message and the inauguration over—the first week passed— It is Sunday, and I have a little breathing spell—a moment of calm and repose. I devote it to you, and will write you all the news, in brief, I can.

We triumphed in the election, and did it well. We had a fierce and somewhat bitter contest, and a more desperate effort was never made by the oposition, sanguine of success from the recorded number they boasted in their Order,[1] and haughty with the pride of anticipated victory. But every Officer and every man of ours did his duty, and, towards the last we felled them at every blow, and scattered their Councils 'till we rid many of them of their entire membership. Our majority was increased slightly over that of the last election, and after success, this was our greatest object. But for the extreme bad weather the two days of the election, which prevented a full vote of the State, and kept many of our friends from the polls our majority would have been seven thousand. It rained in torrents, so much so that I did not get to the polls the first day myself. On the second day, raining also, the Creeks were so high in many places that numbers were prevented from reaching the polls, and the full vote of the State was not given by 5 or 6,000. Most of these were ours, the Know Nothings having their strength more about the towns,—and orders in their Councils that every member should vote the first day and should not fail under any circumstances. You will perceive how very close the vote was in the Counties of which I gave you a list in

[1] Know Nothing Party.

my letter from Pontotoc, and through which I wished you to pass in the event of your return home. Your coming would have helped us greatly, and you ought to have been entitled to any share of the victory achieved, as I feel that you are now, for I believe that your going into the Cabinet at Washington did more to give us success in the last election than any-thing else, and as much to maintain it in this election—tho' as new questions arose and new issues were made, I know that your presence here, and a short canvass, such as I suggested, on your way home, would have had a powerful influence in our favor. But this is all over now, and we recognise you as entitled to as much of the credit of the victory as any of us. The greatest injury you have done to any one by not coming you have done to yourself. Not on account of any sentiment that you ought to have come, but because your not coming withheld your name from prominence for the Senatorial position, while others were making the ears of the people familiar with theirs, and rendering uncertain, what you could so easily have made sure for yourself. When I was in the canvass, I was so busy in the fight for the success of our party, and there was such excitement connected with the Gubernatorial Canvass, that no one spoke to me scarcely about the Senatorial election. Thompson and Adams & Featherston were out in the North—it was said the North would claim the Senator, and the public sentiment was forming upon their names. Thompson made a tour through the East and South preceeding our canvass, and when I passed there I heard it said by some that the North claimed the Senator, and if so why they supposed Thompson would be the man. Your friends had their silent sentiment, but your name was not used as a Candidate, while the names of others became familiar with the people, and now Col. if you are not returned to the Senate, as you know I think you ought to be, by this Legislature, it will be for this very reason, operating upon many members of the Legislature. In my position I can only find out, through friends what is going on, the members do not talk with me about the Senatorial election, all holding, that as an Official of another department of the gover[n]ment, I have no right to interfere. But I am told that there are actually members here who say that they prefer you, and that you ought to be elected, and that the interests of the State and Country would be best promoted by it, and yet they are going to vote for Thompson in caucus, for the reason I have stated above. Some meetings have been held by both sides, and

it is believed that you have a majority of from 6 to 9. Thompson's friends however are said to be sanguine, and to believe that he has a majority, but barely. [?] You know how anxious I was for you at Barnes' to avow your position openly as a Candidate. Now see how much you risk, when if you had done so there would be no doubt or danger. But for this local question with the North, and the fact of your name not being used in the canvass as a Candidate, and Thompsons' being constantly before the people, there would be no contest at all, you would have the great majority. In fact the local question would not itself be half as strong, if your name had been used as a Candidate in the Canvass. You know how easy it was, when your name was mentioned for the senate during the Canvass, for those interested against you, but still not desiring to show opposition, to say O. Col. Davis is in the Cabinet at Washington, that is where we want him, to stand by the President—he does not want to be Senator, and many other things of this kind. And I venture to say, that One third of the members of the Legislature when they were in the Canvass, and when elected had not considered, and did not know the fact that your term in the Cabinet expired the same time that the Senatorial term begins. For myself I have had but one sentiment in reference to your position, since you resigned your seat in the Senate, and gave your name to us for Gov^{r}, and that is that you ought to be reinstated. I departed without proper consideration from this, temporarily, when the Eastern Counties, on your going into the Cabinet recommended me generally for the Senate. But I soon saw that I was wrong, and this induced me to allow my name to go before the Convention for Govr, and not any combination with Govr. Brown as was wrongfully charged. But this false step put me in the position of not being able to object to others occupying the position I did temporarily in reference to the Senatorial question, and has embarrassed me in not having it in my power to say to other aspirants, as I feel, that that position is first of all, and has been at all times, due to you. I was led off at first, with the idea, that you would not wish your name at the first election after entering the Cabinet to be used for the Senate, and I believe I wrote to you at the time, that I would if elected resign for you to take the place at this time, which is the expiration of your regular term; that is the election takes place now to fill the regular term to which you are entitled.

I write you these things Col. in frankness to advise you fully

of my position and feelings. I hope the result will be to put you in the senate now, as I believe it will.

Ever & Truly yr friend

JOHN J. McRAE

Col./Jeff. Davis/Washington/D.C.

P.S. Since writing this letter I have seen Col. Tarpley and he says that I may assure you, that you have 49 votes certain in Caucus which gives you a majority of 6. I fell in with the Col coming from my House to the P. Office have read him this letter, and put this statement in for him.

Mrs. H. A. Bartlett to Jefferson Davis.

(From New York Historical Society.)

Hon Jefferson Davis,

My dear Sir,

In the fullness of my heart I cannot refrain from sending my thanks for your defence of those deeply injured Naval officers of whom my husband is one. He would now like others have the happiness of rejoicing over his restored position and character; were it not for base treachery, for on the night following his recommendation for restoration, influences were used to betray him, so that the recommendation to restoration was not allowed to remain upon the record; which would have shown that he had been restored. But it is not necessary for me to enter into particulars as his case will soon come before you, should the joint resolution pass the House, for which we most fervently pray.

Truly, honored sir, you are "the champion of the rights of man," and your course must be upward and onward. Your large heart will not allow these afflicted men to drag on the remnants of their lives with heads bowed down and crushed to the earth.

In trusting and abiding confidence I remain very gratefully yours

MRS. H. A. BARTLETT.

National Hotel.

January 15th. (1855)

Jefferson Davis to Mrs. Cake.

(From Pennsylvania Historical Society.)

Mrs. Cake

My dear Madam

In reply to your's of this date I have the honor to say that Major Anderson was expected to return as he stated and I suppose has been accidentally delayed. He is worthy of confidence and I am sure will not allow you to be injured by any confidence you have reposed in him. Should I learn of him more than is here communicated you will be informed of it without delay.

Please accept my kind remembrances and believe me to be very truly yrs.

JEFFN: DAVIS

21st Jany 1855

Philip A. Roach[1] *to Jefferson Davis.*

(From the Library of Congress. Manuscripts Division.)

San Francisc° 15 February 1855

Col: Jeff: Davis

&c &c &c

Dear Sir:

As no member of the delegation may be in Washington, when this reaches, I take the liberty of addressing you.

The native population is much dissatified with present situation. They think that they Suffer all the evils of government without enjoying any of its advantages and the influential among them, advise an Exodus! I have conversed with Alvarado and Castro ex governors of California, with Casa Nueva Secretary of the Club recently organised and with others.

I learn that a Committee has been Sent to Mexico, to ascertain if a million of acres of land in Sonora will be given them; provided a certain number of native Californians emigrate to occupy it.

The Leaders think that their request will be complied with and that there will be no difficulty in inducing an immense number to leave. In 1849 the native population opposed forming

[1] Prominent leader of the Democratic party in California; born in Ireland; went to California in 1849; first mayor of Monterey; editor, member of legislature.

a State Govt, foreseeing what has since resulted from it. But their delegates were outvoted for the *Appearing party* having the highest number of votes whether it was ten, while a party not appearing had one hundred, the first comer was taken!!

Under the State Govt, the avowed object of taxation in the governors message was that by high taxes the ancient population would be obliged to sell their lands. And many a time I was called on in the Senate and Assembly to translate the remarks of some high toned Don, indignant at the injustice of such enactments.

This population, kind hospitable and thoroughly democratic is rapidly dwindling away. Many a Ranchero, who lent us horses to ride around the country to proclaim that Pierce was the champion of civil and religious freedom for the ancient faith is now penniless! And many of their leading men, who have even been members of our Democratic conventions are active in arranging for the exile of themselves and brethren.

In the Courts—in the Journals and in political meetings to discredit them, a greaser witness—a greaser oath, or a greaser's land is alluded to as being less worthy of credence or of protection than if of one of our people. For years hundreds of natives have paid taxes on land they cannot till and on cattle that others kill and whatever funds they raise it is for taxes and lawyers. Many of the old settlers have left; but now a large and organised movement is contemplated. I would much regret their departure for I can well appreciate that population. They are quiet orderly and conservative—not affected by the *Schisms* or *isms* of higher law or humbug.

Their exodus would have a very bad effect as regards other questions, say Cuba or Sonora etc And I have been active in expressing the opinion to all parties likely to be influenced by the promise of land, that a quarter section in California which all are entitled to, would be more valuable than leagues in Sonora.— And that these could be obtained before they could reach Sonora as Surveys were now being rapidly made.

I represented the Californians two years in the Senate, so be pleased to excuse this long letter advising about their griefs. To all the attacks being made now in Journals no reply has been made by the Natives: but Governor Alvarado informs me that the Californians intend addressing a Memorial to the President.

With esteem
Your obt Servant
PHILIP A ROACH

[Indorsed: Phil. A. Roach]

George Sumner to Jefferson Davis.

(Library of Congress. Manuscripts Division.)

Paris, 1 March 1855.

My dear Sir,

In writing you on the 6'' October last I said, ''if Menshikoff be out of Sebastople with an army in the field the Anglo-French Army may yet meet with a disaster.''

The disaster is approaching. The French army has become demoralized as well as the English. The rumors of the voyages of L Napoleon to the Crimea, which will have reached you, are based on this position of things, as reported by Genl. Niel.

Genl. Niel is a very intelligent officer of Engineers, who was sent out a few weeks since under peculiar circumstances. At that time, a law, modifying the form of the Conscription, was under examination. This had been proposed by the Emperor, and was energetically *opposed* by Genl. Niel—His colleagues, dumb and submissive, looked aghast, regarding him as a lost man, and when, on the next day, he was sent for by L Napoleon, his fate was looked upon as sealed.

L. N. said to him, ''General I respect & esteem you,—you ''have acted like an honest man,—your ideas however apply to ''the past—we are looking forward to the future,—still you ''have had the courage to speak your mind,—I wish you now ''to be my A. D. Camp, and to leave to-morrow for the Crimea. ''I know *Nothing* of the real state of things.—Courdbert writes ''one thing, Raglan another, & both try to put the best face on ''matters, which are in part the result of their own combinations. ''*Look well at every thing,*—Send me no partial report—but ''when you have seen *all,*—then tell me what we are to do.''

This I have from a near relative of the General, who had it from his lips.

The report of Niel is most melancholy. If an assault be successful, it must, he says, be repeated again and again, upon successive lines of defense, and this only to gain the South side.—

To meet Menshikoff in the field will require a large augmentation of the army, which he reports in a state of great discouragement.

It was on this, that L. N. declared his determination to visit the army,—saying that he ''couldn't leave them so long without his presence'' &c. &c.—These are the *pretexts,* but beneath them, lies a deeper combination than any yet developed, viz, *an inter-*

view with Nicholas—another edition of Tilsit,—the raft scene of the Niemen, repeated in the harbor of Sebastople.

If this take place, the affairs of Europe will enter at once into a new phase.—England is excessively alarmed by the project. Lord Cowley, stupid as need be for an Ambassador, only moaned over the fact, that "an Emperor should be obliged to expose his august person"—but L[d] John Russell, of quicker wit, saw at once the danger.—He has been exhausting every argument with L Napoleon to induce him abandon the project,—declaring that it was useless for him to negotiate peace at Vienna, when L. N. was away from the point where peace must be confirmed: telling him moreover that the consequences would be most grave for the English alliance, for that he being before Sebastople, England would be no longer an equal, but only a subordinate. He raised up also the spectre of revolution at home.

The project has been *momentarily* abandoned. What conclusions must we draw?—One is, that it is best not to break with England, *until a little more sure of Russia.*

The hostility to the U. States exists here in the Ultra-Catholic —the clerical party;—it is they who, by journals & in social relations, are fanning it.—

As to L. Napoleon he has uttered things in regard to the U. States which were intended to cajole England. He has no extra love for us, but he is intelligent and knows where true force lies.

It is a long time since I had the pleasure of hearing from you. A line sent to care of Baring Brothers London will always reach me.

Believe me, dear Sir, faithfully yours,

GEO. SUMNER.

[Addressed, at the foot of page 1; The Hon. Jefferson Davis

Indorsed: *Geo. Sumner*]

D. L. Yulee[1] *to Jefferson Davis.*

(From the Library of Congress. Manuscripts Division.)

Homosassa
March 27, 1855

My Dear Col

I wrote you a hasty note by last mail relative to the application in behalf Dummete.

Yesterday I received the Union containing the list of appoint-

[1] Yulee, David Levy (1811-1886), a political leader, was born of Hebrew parents at St. Thomas, West Indies in 1811; studied law in Virginia;

ments, in which his name was gazetted as 1st Lt. in 1st Regt Cavalry.

I am *greatly and specially* gratified by this favor, and am thankful to you for keeping in mind my wish. I took great interest in his success Yours truly

D. L. YULEE

My regards & those of Mrs. Y. to yr wife. I will compare babies with you in the fall.
[Indorsed: D L Yulee]

Jefferson Davis to R. Delafield, A. Mordecai and George B. McClellan.

(From Letter Books Secretary of War Old Records Division, War Department.)

War Department.
Washington April 2d, 1855

Major R. Delafield,
Major A. Mordecai,
Captain George B. McClellan,
U. S. Army,
Gentlemen,

You have been selected to form a commission to visit Europe for the purpose of obtaining useful information with regard to the military service in general, and especially the practical working of the changes which have been introduced, of late years, into the military systems of the principal nations of Europe.

Some of the subjects to which it is particularly desirable to direct your attention may be indicated as follows:

The organization of armies and of the departments, for furnishing supplies of all kinds to the troops, especially in field service. The manner of distributing supplies.

The fitting up of vessels for transporting men and horses, and the arrangements for embarking and disembarking them. The medical and hospital arrangements, both in permanent

removed to Florida in 1824. He was a delegate from Florida Territory to the U. S. Congress from March 4, 1841, to March 3, 1845; a member of the first constitutional convention of Florida, 1845; a member of the U. S. Senate from December 1, 1845, to March 3, 1851, and from March 3, 1855, to January 21, 1861. He changed his name in 1845 by act of the Florida Legislature, from David Levy to David Levy Yulee; was a member of the Confederate Congress from 1861 to the fall of the Confederacy; and was a Federal prisoner at Fort Pulaski, 1865. He died in New York, N. Y., October 10, 1886. Consult C. W. Yulee, David Levy Yulee, 42 pp., reprinted from Publication of the Florida Historical Society, Vol. 2, No. 1-2, April-July, 1909.

hospitals and in the field —— the kinds of ambulances or other means used for transporting the sick and wounded.

The kind of clothing and camp equipage used for service in the field.

The kinds of arms, ammunition and accoutrements used in equipping troops of the various branches of service, and their adaptation to the purposes intended. In this respect the arms and equipments of cavalry of all kinds will claim your particular attention.

The practical advantages and disadvantages attending the use of the various kinds of rifled arms, which have been lately introduced extensively in European warfare.

The nature and efficiency of ordnance and ammunition employed for field and siege operations, and the practical effect of the late changes, partially made in the French field Artillery.

The construction of permanent fortifications, the arrangement of new systems of sea-coast and land defences, and the kind of Ordnance used in the armament of them. The Lancaster gun and other rifled cannon, if any are used.

The composition of trains for siege operations—the kind and quantity of ordnance. The Engineering operations of a siege, in all its branches; both of attack and defence.

The composition of bridge trains; kinds of boats, wagons &c.

The construction of casemated forts and the effects produced on them, in attacks by land and water.

The use of camels for transportation, and their adaptation to cold and mountainous countries.

To accomplish the objects of your expedition most effectually, in the shortest time, it appears to be advisable that you should proceed as soon as possible to the theatre of war in the Crimea, for the purpose of observing the active operations in that quarter. You will there present yourselves to the Commanders of the several armies, and request from them such authority and facilities as they may be pleased to grant, for enabling you to make the necessary observations and enquiries. You may find it practicable to enter Sebastopol, and to proceed through Russia to St. Petersburg with the view of visiting the works and seeing the operations which may be carried on in the Baltic. Should it not be possible or advisable to enter Russia in this way, you may be able to accomplish the same object by passing through Austria and Prussia. In returning from Russia you will have an opportunity of seeing the military establishments of Prussia, Austria, France and England. The arrangement of your journey must be regulated, in a great measure, by the state of affairs

existing on your arrival in Europe, and the information you may acquire there.

Letters are herewith furnished to you for our Ministers in Europe; requesting them to afford you all the aid in their power in accomplishing the objects of your mission. Funds for defraying the expenses of your journey are placed in the hands of Major A. Mordecai, who will disburse and account for them. You are authorised to use a portion of these funds in purchasing for this Department new books, drawings and patterns of arms and equipments which you may consider of sufficient value in our service to warrant the expenditure.

Reserving until your return to the United States, a full account of your expedition and of the information you may obtain, you will report to the Secretary of War from time to time, as opportunity may offer, the progress of your journey and any remarks on the subjects within the scope of your instructions which you may wish to communicate—all correspondence of this kind, proceeding either from the commission jointly, or from any member of it, will be forwarded according to military usage and regulations, through the senior officer present.

It is desirable that you should return home by the 1st of November 1855. If you should find it essential, for effecting the objects of your mission in a satisfactory manner, to remain longer than that time, you will report the circumstances so as to give time for an answer in due season.

Reliance is placed on your judgment and discretion to conduct your movements in such a manner as to give no reasonable ground for suspicion or offence to the military or other government authorities with whom you may have intercourse.

Very respectfully
Your Obt Servt
JEFFN DAVIS
Secretary of War

Jefferson Davis to S. A. Douglas.[1]

(From Letter Books Secretary of War Old Records Division, War Department.)

War Department
April 5' 1855

Hon. S. A. Douglass,
Washington D. C.

Sir, I have to acknowledge your communication of the 30' ultimo relative to the recent appointments for the new regi-

[1] Douglas, Stephen Arnold, (1813-1861), a political leader, was born at Brandon, Vt., April 29, 1813; studied at Brandon and Canandaigua,

ments. My note of the 15' of March, to which your's is in reply, was written with the view of ascertaining something definite in regard to the qualifications of the three gentlemen, Samuel Ashton, Wm H. Snyder and William J. Wyatt, brought to my notice in your letter of the 11' as in that letter you simply recommended them for the commission of *Captain*, without adding a single word in respect to their military services and individual worth, or furnishing any means whatever of forming an opinion on these important points. Under such circumstances, I was certainly unprepared for the complaint in your letter of the 30' ultimo, wherein you say—"I may be "permitted to express my regret that these worthy and gallant "officers, who served with so much credit in the Mexican War, "and whom I recommended should have been overlooked."

On receiving the above, I directed an examination of the records to be made for the services of the gentlemen referred, and I herewith enclose a copy of the Adjutant General's memorandum on that subject. It will appear from this memorandum that though the services of Mess^{sr} Wyatt and Snyder were creditable to them, they were not particularly distinguished, while of Mr. Ashton's alleged services, no trace whatever can be found.

The nomination of "Dr. J. J. Sinn to be Surgeon in the Army" must have been thoughtlessly made, as you were of course aware that no provision of law had been made for such an appointment.

In regard to Mr. Wm. B. *Reynolds* whom you speak of as "a worthy non commissioned officer of the line of the Army, and (who) only asked for the commission of a *second lieutenant*," I enclose a copy of the joint recommendation of Senator Shields and yourself dated March 23d 1854, wherein Mr. Reynolds' appointment to a "*Captaincy* or first lieutenancy" is strongly urged, on the ground of his military education, special qualifications and services in battle. Until the receipt of your note of March 30th I had no reason to suppose that Mr. Rey-

N. Y.; removed to Illinois in 1833; studied law, and was admitted to the bar in 1834. He was State Attorney for the most important judicial circuit in 1835; was a member of the State House of Representatives, 1836-1837; Register of Land Office, Springfield, 1837-1839; Secretary of State of Illinois, 1841; Supreme Court Judge of Illinois, 1841-1843; a member of the national House of Representatives from March 4, 1843, to March 3, 1847; U. S. Senator 1847-1861. He died in Chicago, June 3, 1861. Douglas is best known for his defense of the Compromise measures of 1850; for his advocacy of the doctrine of popular sovereignty, which reserved to the people of each Territory the sole right to legislate upon the subject of slavery; and for his debates with Lincoln regarding slavery. Consult H. P. Willis, Stephen A. Douglas, 371 pp., Philadelphia, 1910.

nolds was not a citizen of Illinois, but as it seems that he is, (as you represent) actually at this time a non-commissioned officer of the Army, and as you state that he only desired the commission of 2d Lieutenant and as his appointment of Captain has not been consummated, the case will be submitted to the president for his decision and instructions.

As respects Captain *George E. Pickett* to whom you object that he is "of Richmond, Virginia," and "never resided in Illinois," I can only say that he has, from 1846, the date of his graduation at the U. S. Military Academy, served continuously in the Army, and that he was, when a minor, appointed a Cadet from the 5' Congressional district of Illinois, on the nomination of its representative, whom I had no right to suppose had been derelict to the interest of his constituents. Independently of this, Capt. Pickett's war services and professional standing, gave him claims which could not be overlooked. By his conspicuous gallantry in battle, by his elevated character and patriotic sentiments, he has earned a reputation among his associates in the Army, of which any State might well be proud, and to which every American citizen may lay claim as the property of the whole country in whose service all the years of Captain Pickett's manhood have been passed.

In conclusion you must permit me to say that had your information in relation to the position of candidates and to the military services of your friends been communicated before the appointments were made, when it could have been used to aid the Executive in making his selections, it would have been more useful and becoming than when introduced at a subsequent period to point censure and justify complaint.

Very respectfully, Yr obt Serv
JEFFN DAVIS
Secretary of War.

Jefferson Davis to James Buchanan.

(From New York Historical Society.)

War Department—
Unofficial Washington April 9, 1855.
Sir

Permit me to introduce to your acquaintance and favorable consideration Major R. Delafield Corps of Engineers, Major A. Mordecai, Ordnance Corps, and Capt. G. B. McClellan of the Cavalry.

With some if not all of these Officers I believe you have heretofore been personally acquainted, and it is therefore unnecessary for me, to state with any particularity their professional qualifications and Services, or to speak of their high character as American gentlemen.

The important military operations in the "war of the East," have induced the President to dispatch these Officers for the purpose of making observations on the armies and fortified places of the belligerents so that we may learn whatever is new and valuable in the military Service of European Armies. To facilitate the discharge of this duty application was made to the diplomatic representatives near this Government of Prussia, Austria, Russia, France and England for such letters as it might be agreeable for them to give. The request was met by the ministers of the three first named as fully as was desired.

The Minister of Great Britain gave a Sealed letter to the Earl of Clarendon being a "personal introduction" of the Officers above named and politely assured me of the most favorable consideration by Her Majesty's Government of the request of the Government of the United States. The Minister of France before replying to my request for letters of introduction, addressed me a note, asking whether our Officers were to go to the Camp and Army of the Allies and to no other place whatever. Upon my replying that I wished their observations to be as wide as the field of active operations, he sent me a Sealed letter of introduction to the Minister of Foreign Affairs of his Government. The distrust and apprehension which was exhibited, was so little called for by the character of the officers the position of our Government, and the present State of Military Science as certainly to make no very agreeable impression upon me. I therefore write to you to request that you will give the Officers hereby presented your advice as to the propriety of seeking any facilities from the Governments of the Allies. They will state to you freely their objects and the means by which they propose to effect them. And I have only to add that if the Governments of Great Britain and France are unwilling to have their operations viewed by the Officers of our Army for the advancement of our military knowledge, we are quite willing to dispense with any advantages which their courtesy might give. To avoid misapprehension, it is proper that I should say, that the course of Mr. Crampton would not have suggested this caution had it not been followed by the correspondence of Mr. Sartigis a copy of which is in the hands

of Major Mordecai, and which if you would like to see it, he will show to you

Very Respectfully
and truly yours
JEFFN: DAVIS

Hon James Buchanan
Minister to Great Britain
&c. &c. &c.

Jefferson Davis to James Buchanan.

(From Pennsylvania Historical Society.)

Washington April 19, 1855

Dear Sir,

Permit me to introduce to your acquaintance and favorable consideration General E. D. King of Alabama, a relative of the late Vice President, and one of the most prominent citizens of his state as well as a most estimable gentleman

Any kind offices you may be able to render him, will be appreciated by his wide circle of friends as well as by the General and myself.

Very Respectfully
Hum Obed. Servt.
JEFFN: DAVIS.

Hon Jas. Buchanan.
London.

Jefferson Davis to C. Cushing.

(From Letter Books Secretary of War Old Records Division, War Department.)

War Department
Washington April 26, 1855

Hon. C. Cushing,
Attorney General,
Sir,

Brevet Lieutenant General Scott has submitted a claim for brevet pay during certain periods when he claims to have been on duty and to have had a command according to his brevet rank. Before determining the question whether he had such a command, and if so, what class of allowances he would be entitled to, the question arises whether there is in force any law fixing the pay and allowances of that grade. My views upon this point are indicated in some remarks upon the claim,

accompanying the papers herewith submitted, and I have the honor to request your official opinion upon it.

Very respectfully Yr Obt Servt

JEFFN DAVIS

Secretary of War.

Endorsed: (on margin)
For the remarks see
M B 37 page 62

*REMARKS**

upon the claim of Brevet Lieutenant General Scott for brevet pay as Lieutenant General during certain periods.

The first question which presents itself in regard to this claim is, whether there is any law in existence fixing the pay and emoluments of the rank of Lieutenant General. It is contended by the claimant that the provisions of the Act of May 28, 1798 on that subject, are now in force; that they have never been repealed, or, if repealed, that they have been revived.

The Act under which General Scott holds his brevet commission, revives the grade of Lieutenant General. The grade thus revived was originally created by the Act of May 28'—1798, and, as is expressed therein, in order to provide "a Commander of the Army which may be raised by virtue of this Act." The existence of that Army was limited to six years i. e. by the first section, the men were to be enlisted for a term of not more than three years; and by the 10' section, enlistments were prohibited after three years from the passing of the Act. The existence of the Army being limited to a certain period, the officers "of the Army" could not have a longer term. The claimant contends that the office continued afterwards to exist but was in abeyance. I cannot conceive of the existence, in abeyance or otherwise, of an office which there is no power in any one, under any circumstances, to fill, and there was no power in any one to fill the office of Lieutenant General after the 28' of May 1801. Had there been existing, at that date, an army previously raised under the Act, the existence of the Army and the power to appoint a commander might have been prolonged at latest to the 28' of May 1804; but such was not the case. I am therefore of opinion that the office expired, by limitation on the 28' of May 1801, when the power to raise or maintain an Army under the Act of 1798, in fact, ceased.

* These remarks accompanied a letter to the Attorney Genl. of the 25' of April, 1855. See M. B. 36, page 441.

If the Act had not expired by its own limitation, I am of opinion it would have been repealed by the several Acts fixing the military peace establishment, particularly that approved March 16'—1802. The claimant admits that "if a Lieutenant General had been in actual commission, he would, under the first section of this Act, and the non enumeration of him in the following sections, have been disbanded, but adds, disbandment by itself would not have abolished the office, much less have repealed the law creating it.

On this point I have only to express my opinion that the disbandment of an Army, in the execution of a law, absolutely abolishes all offices in, or of, that Army, whether the same be filled or be vacant, and repeals the laws creating them. The consequences of a contrary doctrine are too obvious to need to be stated. I have further to express the opinion that if the Act was not repealed in the manner stated by the claimant, it is repealed by the last section of the Act of 1802, which declares "that so much of any Act or Acts, now in force, as "comes within the purview of this Act, shall be, and the same "is hereby, repealed; saving, nevertheless, such parts thereof "as relate to the enlistments, or term of service, of any of the "troops which by this Act are continued on the present mili- "tary establishment of the United States." (Hetzel's military laws p. 105) The Act of May 28, 1798, is, in my opinion, clearly one of those which come "within the purview of that of March 16, 1802, both referring to the "military establishment of the United States"—the claimant in fact admits this and relies upon the fact of the office being vacant to save it from repeal.

The next point is whether the provisions of the Act of May 28', 1798, in regard to the pay of the Lieutenant General having expired by limitation or having been repealed, are revived or re-enacted by the Joint Resolution of February 15, 1855.

The resolution does not expressly re-enact any part of the Act of 1798, it revives the *grade* of Lieutenant General, but does not purport to revive any part of *the Act*: no reference is made to the Act—a reviving implies a previous existence and no more, the only necessary implication in the use of the word revived, is that the grade of Lieutenant General had existed and had ceased to exist; I am therefore not satisfied that any portion of *the Act of* 1798 is revived, and that the power of the President and Senate to confer that grade does not rest *solely* upon the resolution of February 15, 1855. The fact that the grade had before existed, does not at all affect the authority given to the President and Senate to confer it. The resolution

prescribes the circumstances under which it is to be conferred, for what services, the date at which it is to take effect, and every other particular necessary to guide the action of the President and Senate in the premises; the resolution is complete in itself for all the purposes declared in it to be those which induced its passage: that is to say, to acknowledge the "services of a Major General of the Army in the late war "with Mexico in the mode already provided for in subordinate "grades." Now the mode of acknowledging such services, is by brevet promotion to a superior grade to take rank from the date of such services, and accordingly the resolution proceeds to authorize the grade of Lieutenant General to be conferred by brevet, to take rank from the date of the services of the officer on whom it was to be conferred.

It is evident therefore that the declared object of the resolution was answered by the introduction of the grade into the service. Why then does the resolution use the word "revived"? My view is that the word was used because it is *historically true;* that the grade is revived, not by the use of the word "revived," but by the fact of its being introduced into the service after having formerly existed and expired. Thus, in a case cited by the claimant, Mr. Attorney General Wirt, speaks of the appointment of Surgeon General, authorized by an Act substantially identical in its terms with a previous act, repealed, authorizing the appointment of a Physician and Surgeon General, as a a revival of the former office, although no reference was made in the last act to the former one. The reference implied by the term itself is then, in my opinion, a reference merely to the historical fact, not to the Act of 1798 under which that fact occurred, and has no operation beyond what a statement of the same fact in the form of a recital would have had.

If, however, it be held that the Act of 1798 is revived so far as it creates the office of Lieutenant General, is that part of the Act also revived which fixes his pay and emoluments?

On this subject I am clearly of opinion, that only so much of the Act as authorizes the grade could be held to be revived, and as the pay and emoluments are not included within that description, nor necessarily appurtenant thereto, such part of the Act as relates to them is not revived.

No argument is necessary to show that an office may exist and the incumbent exercise all the authority thereof without any compensation whatever; and as an office may exist without pay, it follows that compensation must be allowed by law before it can be paid. The Acts authorizing appointments in the

Army are carefully drawn in that respect. The pay of the different grades being fixed by general laws, it might be argued that when additional officers are placed in such grades, there would be no necessity for expressly granting them the pay of such grades; yet the practice is to grant the pay by express words. To such an extent is this practice carried that in Acts retaining officers in service, their pay has been secured to them *anew*. An example of this occurs in the Act fixing the military peace establishment in 1821, which expressly provides that the officers and men "*retained*" should have the pay and emoluments provided by *existing laws*. The Acts of 1802 and 1815, reducing the Army, both expressly provide for the pay &c of the officers retained in service. A case could hardly occur in which such a provision would appear to have been less necessary, but, perhaps, a still stronger one is found in the Acts continuing the office of the Commissioner of Pensions, which occurs to me, as that officer formerly belonged to this Department. This office was limited to a term of four years, and before the expiration of the term, on several occasions, acts were passed to continue the office, so that the office should not expire, yet in each case, the pay was expressly granted anew, except in a single instance, and in that reference is made back to *the Act* authorizing a former continuance of the office, and the authority *contained in the Act* is renewed.

In the argument submitted by the claimant on this point, much stress is laid on the words "in the mode provided for in "the subordinate grades." "These words" he says, "must "have an office or meaning over and above the authority to "confer the brevet rank, or they would be merely tautologous, "for that authority is expressly given in other and plainer "terms in the same place. The quoted words "words therefore "can only point to the higher pay and emoluments" &c.

The words quoted from the Act have, I conceive, a very plain and obvious office apart from that attributed to them by the claimant. The resolution may be regarded as consisting of two members, one conferring on the President and Senate a certain authority; the other prescribing the occasion on which that authority is to be exercised. The words in question belong to the latter. Congress does not say, the services of a Major General shall be acknowledged in the mode already provided for in subordinate grades, and then leave the President and Senate to determine what that mode is and apply it to the case of a Major General; but that when the President and Senate think that mode should be applied to the case of a

Major General, then they may do certain acts. Congress, itself, has thought proper to prescribe every particular of the brevet commission, and has left to the President none of that discretion which he exercises in regard to brevet commissions generally: the grade to be conferred, (that of Lieutenant General) the nature of the commission, (by brevet) when it is to take effect; (from the date of services in the war with Mexico) all are regulated expressly by the resolution. Even if these particulars did not embrace all that the resolution supposes the President and Senate may deem it proper to do the powers or the latter could not, I think, be enlarged by construction, in order that they might do more than is expressly authorized. But, in my opinion, the brevet promotion prescribed by the Act is in strict accordance with "the mode already provided for in subordinate grades," and possesses every feature of the acknowledgement of eminent services in those grades.

It is indeed contended that increased pay forms a part of such acknowledgement in the subordinate grades. This seems to me far from the fact. A brevetted officer may never receive brevet pay. He may bear his honors through his whole life without ever deriving a dollar from them, and if he chance to come within the conditions which allow him to draw brevet pay, he takes it, not as an acknowledgement of services that won his brevet, but in payment for performing duty and exercising a command above his ordinary rank, and pay so earned cannot form a part of the acknowledgement made for other services than those for which it is due and chargeable by law.

The opinion of the Attorney General cited by the claimant to show that the revival of the office, revived the grant of pay and emoluments, does not, in my opinion, sustain the position. In that case, as I gather the facts from the opinion, Congress created the office of Physician and Surgeon General; the War Department granted to that officer quarters and fuel; Congress discontinued the office; the War Department did not repeal the regulation; Congress afterward revived the office. Mr. Wirt then held that when the office was revived, "the regulation in question, *"became applicable"*—not that the regulation was revived, for it had not been repealed. His decision, in effect, was that a standing regulation directing an allowance of fuel and quarters to the Surgeon General was applicable to the officer who bore that description under whatever law he might be appointed. That, however, was not the point in issue. On the revival of the office, the Department had made a new regulation giving the Surgeon General fuel and quarters, and the

question was as to the power of the Department to make such allowances, inasmuch as the law gave him a "salary," and was silent as to allowances. It was held that such allowances were not given by statute but were discretionary with the Department—that discretion being confirmed to a certain extent, by the submission to Congress of estimates on which appropriations were made, which had been done in the Surgeon General's case. But, granting that the point cited from the opinion determined the case, it would not be applicable to this case, unless it be admitted that there was an Act in the Statute book unrepealed on the 15' of February 1855 which fixed the pay &c of Lieutenant General.

The whole scope of the resolution is of the most limited character. The grade is revived, not to be filled like other grades, but for the purpose of being conferred by brevet as an acknowledgement of past services, rendered in a war expressly designated; and the authority conferred is so limited, when once exercised it is gone forever. So clearly in all this is manifested the intention of the Legislative branch of the Government to confine the authority conferred within the narrowest limits consistent with the object in view, that were the case much more favorable to the claim, I should incline to avoid giving the resolution any operation of doubtful extent. As the case stands it would appear to me too clear to admit of doubt but for the high authority of the claimant on all questions of military law.

JEFFN DAVIS
Secretary of War.

Winfield Scott[1] *to Jefferson Davis.*

(From Senate Ex. Doc. No. 34, 34th Congress, 3d Session.)

HEADQUARTERS OF THE ARMY,
New York, April 26, 1855.

SIR: Supposing that the more important business, thrown by recent legislation on the War Department, may by this time have been despatched, I beg leave to recall attention to

[1] Scott, Winfield (1786-1866), a soldier, was born near Petersburg, Va., June 13, 1786; studied law at William and Mary College, and was admitted to the bar in 1806. He was appointed captain of light artillery in 1808; was suspended for criticism of his superior officer in 1810; was lieutenant colonel on the Canadian frontier in 1812; was taken prisoner at Queenstown; was promoted colonel March 12, 1813, and brigadier

my claim of pay to emoluments as *brevet lieutenant general*, which was originally presented March 8th to the paymaster general, and by him (contrary to my expectation, though I had no wish or preference in the matter) referred directly to you, as I learned by a note, in which he enclosed me a copy of his letter of reference.

Sick, and confined to my lodgings, I feebly remarked on some of the paymaster's objections in a paper on the 15th of the same month, which I addressed to the War Department.

Learning subsequently, by rumor, that a Treasury functionary at Washington had captiously suggested that my claim might be rejected on the ground that the statute originally creating the rank of lieutenant general in our army, and annexing certain pay and emoluments thereto, *had been repealed*, I endeavored to anticipate that suggestion in your mind by another paper of remarks, dated fifteen days later.

And I have given the same direction to two other notes, dated, respectively, March 30 and 31, on the question of *fuel and quarters*, and on *servants* or *waiters*, proper to be allowed a brevet lieutenant general on duty, according to that rank.

Premising that a party may be almost as much aggrieved by delays, however accidental, as by a decision in the teeth of justice, and resting in absolute confidence that every point I have presented on the recited papers must, by the force of law and usage, without further legislation on the subject, be conceded to me or my representatives, I shall continue to entertain the hope of personally enjoying, in my short remainder of life, with my family, all the benefits evidently intended for us in the recent joint resolution of Congress.

I have the honor to remain, sir, respectfully, your obedient servant,

WINFIELD SCOTT.

HON. JEFFERSON DAVIS,
Secretary of War.

general March 9, 1814. He won the battle of Chippewa, July, 1814; and was twice wounded at Lundy's Lane. He concluded treaties with various Indian tribes in 1832; served in Seminole War, 1836-1837; and superintended removal of Cherokee Indians to their reservation west of the Mississippi in 1838. He was made commander of the U. S. Army in 1841; had the chief command in the Mexican War; won victories at Vera Cruz, Cerro Gordo, Contreras, Cherubusco, Molino del Rey, Chepultepec, and entered City of Mexico September 14, 1847. He was brevetted lieutenant general by Congress in 1855, retired in 1861, and died at West Point May 29, 1866. Consult M. J. Wright: General Scott, 349 pp., New York, 1894.

Jefferson Davis to Winfield Scott.

(From Senate Ex. Doc. No. 34, 34th Congress, 3d Session.)

WAR DEPARTMENT,
Washington, April 27, 1855.

SIR: I have the honor to inform you that I have referred to the Attorney General your claim for brevet pay as lieutenant general, and have communicated to him verbally your desire to be heard upon the subject before a decision shall be made.

Very respectfully, your obedient servant,

JEFF'N DAVIS,
Secretary of War.

Brevet Lieut. Gen. WINFIELD SCOTT,
United States Army, New York city.

Jefferson Davis to Winfield Scott.

(From Senate Ex. Doc. No. 34, 34th Congress, 3d Session.)

WAR DEPARTMENT,
Washington, April 28, 1855.

SIR: I have this morning received your letter of the 25th instant, asking early attention to your claim for brevet pay and allowances.

The delay you refer to has not been the result of preference given to other business. The claim was examined in its order, and you will have learned from a letter which I addressed to you yesterday that it has been referred to the Attorney General.

In regard to the confidence which you express in the legality of the claim, it is proper to apprise you that I have not come to the same conclusion, and hence the necessity of the reference to the Attorney General.

Very respectfully, your obedient servant,

JEFF'N DAVIS,
Secretary of War.

Brevet Lieut. Gen. WINFIELD SCOTT,
United States Army, New York city.

Jefferson Davis to Henry C. Wayne.[1]

(From Letter Books Secretary of War Old Records Division, War Department.)

War Department
Washington May 10, 1855

Major Henry C. Wayne,
U. S. Army
Washington,
Sir

Assigned to special duty in connexion with the appropriation for importing camels for "Army transportation and for other military purposes," you will proceed without delay to the Levant, and there make such investigations as, with the knowledge you already possess of the animal and of the views and intentions of the Government in relation to its introduction will enable you to execute the law of Congress. A store ship which (after the delivery of stores for the Mediterranean squadron at Spezzia) has been placed at my disposal by the Secretary of the Navy, will leave New York on or about the 20' instant under the command of Lieut. D. D. Porter, U. S. Navy, who has been associated with you in the commission. In the prosecution of your duties it may be requisite for one or both of you to go into the interior of Asia; and should you in such expeditions visit the Government of any State or country with which the United States has no established relations, diplomatic, consular, or commercial, you will present yourselves in your official capacities, as charged by your Government with a special commission and request, in the name of your Government such friendly offices as international courtesy warrants.

On your way to the Levant you may find, especially in England and France, persons whom it would be desirable to consult on points connected with this special service, such as General Marey Monge, Colonel Carbuccia, and other officers of the French army who were connected with the experiments in Asia on the use of the camel in the military service of France. You had also better examine for your information the stock, training and breeding of the Barbary camel imported into Tuscany some two hundred years ago, and which, by careful breeding, is reported to have been greatly improved, both in size and strength. Leave your address at Spezzia for Lieutenant Porter, and indicate the point at which he is to meet you with the vessel.

Report to me as often as you can, giving me full information

[1] Class of 1838 West Point. Brigadier-General C. S. A. Died 1883.

of your operations, that I may be advised of your course, and if necessary furnish you with further and more precise instructions.

In conclusion, it is hardly necessary to mention, but still I do so to impress it upon you, that time is an important element, and that I wish you to be as prompt in the execution of this duty as the security of the experiment will permit, to which, of course, every thing else must be subordinate.

During your absence from the United States on this duty, the usual allowances of mileage and commutation of quarters and fuel at Washington rates will be made to you.

Very respectfully, Yr obt Serv

JEFFN DAVIS
Secretary of War.

Jefferson Davis to Hartman Bache.[1]

(From Letter Books Secretary of War Old Records Division, War Department.)

War Department
Washington May 14, 1855

Major Hartman Bache,
Topographical Engineers,
Sir,

It is desirable that the construction of the military roads in Oregon and Washington Terrtories, the general superintendence of which has been assigned to you, should be commenced as soon as practicable.

In the execution of this duty you will be guided by the general following instructions:

1st By an act of Congress of February 17' 1855, the sum of $30,000 is appropriated for the construction of a military road from Astoria to Salem, in the Territory of Oregon, under the direction of the Secretary of War, pursuant to contracts to be made by him.

[1] Bache, Hartman (1798-1872), engineer, was born in Philadelphia, Penn., in 1797, and was graduated from West Point in 1818. He was breveted Captain of Staff, serving on surveys of the Chesapeake Bay; was breveted Major July 24, 1828, Major of Staff August, 1832; was promoted to full rank Major, Topographical Engineers in July, 1838. He was a member of a board of topographical engineers for lake harbors and western rivers; was lighthouse engineer for Delaware and Chesapeake bays and an inspector of Pacific coast military roads; was promoted to the rank of Lieutenant-Colonel, August 6, 1861, and Colonel, as superintending engineer of Forts Mifflin and Delaware, March 3, 1863; was breveted Brigadier-General March 13, 1865; retired from active service, March 7, 1867. He died in Philadelphia, October 8, 1872. The best known of his engineering works are the Delaware breakwater and the Brandywine lighthouse.

This act contemplates the most direct route between the two points named, across the range of mountains. The necessary examinations (and surveys if requisite) of the country having been made to ascertain the most practicable wagon route as indicated, contracts for its construction either in whole, parts or for different kinds of work, will be entered into.

The first object will be to secure a road practicable for the passage of wagons throughout its entire length between the points named, and that having been accomplished, ——— the remainder of the appropriation will be expended upon the improvement of the most difficult and the least durable portions.

It is generally desirable that the contracts should be taken by persons residing near the line of the road, or who are otherwise personally interested in its completion. The contracts should be of such character as to ensure the best, most rapid, and economical construction of the road, to which ends payments may be made as the work progresses, upon the completion of certain portions, the cost of which can be ascertained with ease and certainty.

2d By an Act of Congress of February 6, 1855 the sum of $25,000 is appropriated for the construction of a military road from the Dalles of the Columbia to Columbia city barracks; and the sum of $30,000 for the construction of a military road from Columbia city barracks to Fort Steilacoom, on Puget Sound, both in Washington Territory. The roads to be constructed under the direction of the Secretary of War.

The general course of the routes of these roads is evidently indicated by the Columbia and Cowlitz rivers. Such examinations and surveys as may be necessary to ascertain the best and most economical routes, having been made, the construction of the roads will follow as rapidly as practicable, and may be either by contracts, as in the road from Astoria to Salem or by contracts for materials and the employment of men, or by both methods, or such modification of them as may seem most judicious. It is deemed best to have the work done by contract if practicable. The first object will be to secure roads practicable for the passage of wagons throughout, between the points indicated, and then to devote the remainder of the appropriations to the improvement of the most difficult and the least durable portions of the road.

The law requiring the approval, by the Department, of contracts entered into, they will be forwarded for that purpose; but as the delay that would be occasioned by waiting for their return to the officer charged with the construction of the roads

would probably postpone their completion for a year, he will not wait for the approval of the contracts, but immediately upon their being entered into, will direct the contractors to proceed to their execution as though approved. Should the Department disapprove of them, the work done by the contractors will be paid for at the rates agreed upon, and new contracts made for the remainder.

Upon the completion of these roads, or any one of them, the Department desires a full report upon their construction, the character of the routes, the nature of the difficulties encountered, &c &c accompanied by maps, exhibiting their location—the general topography of the country through which they pass &c.

The sums appropriated for these roads will be placed with the Assistant Treasurer of the United States at San Francisco California, to the credit of Lieut. Derby, the officer immediately in charge of them, unless a different arrangement should be preferred by you.

Very respectfully Yr obt Serv
JEFFN DAVIS
Secretary of War.

Jefferson Davis to D. D. Porter.[1]

(From Letter Books Secretary of War Old Records Division, War Department.)

War Department
Washington May 16, 1855

Lieut. D. D. Porter,
U. S. Navy,
Sir,

The Secretary of the Navy having detailed you for the command of the storeship Supply, for the purpose of cooperating with the War Department in carrying out the law making an appropriation for the importation of camels, the following instructions are given for your guidance.

Major Henry C. Wayne, who goes out, under instructions of this Department, to purchase the camels and obtain information on the subject, will join you at Spezzia or some neighboring point. In associating Major Wayne and yourself on this duty, the Department expects you will consult freely together,

[1] Porter, David Dixon (1813-1891). An American admiral, was born in Chester, Penn., June 8, 1813. He accompanied his father against the West Indies Pirates in 1824; entered the Mexican Navy as midshipman in 1826; and was taken prisoner in 1828. He was commissioned a midship-

and, having placed at your disposal all the facilities you have asked for, will look to you for the success of the enterprise.

The best point for you to proceed to at first will be Smyrna, where you can obtain such information as will guide your future operations. In Salonica, it is said, the camels are of a superior character, and it may be desirable to examine the different points along that coast. If you think the camels at Salonica will suit the purpose you had better make arrangements to have a number collected there by the time of your return. From Salonica, you will proceed to Constantinople, provided there are no serious obstacles in the way, owing to the war in that quarter; and to expedite your voyage, it is desirable that you should make arrangements, by which you can obtain steam towage through the Dardanelle up the sea of Marmora, and into the Black Sea, if it should be necessary to go there. It is believed that the best breed of camels is to be found in Persia, and as nothing should be left undone to procure the very best for our purposes, you may find it necessary to take your ship to the nearest point of communication with that country, when Major Wayne and yourself can set out on an expedition inland. If it is found desirable to purchase the camels in Persia, it can be done by shipping them at such port as will best facilitate the operation.

If circumstances occur of such a nature as to prevent communication with Persia, by way of the Black Sea, you will take your ship to the coast of Syria, and disembark the land expedition at Beyrout or such other point as may be most suitable for the purpose. Scanderoon will probably be a good harbor in which to lay up the ship in winter weather should you be unable to return to the United States this season. By

man in the U. S. Navy, February 2, 1829; was made a lieutenant, February 27, 1841; a commander, April 22, 1861; a rear-admiral, July 4, 1863; a vice-admiral, July 25, 1866; and an admiral, August 15, 1870. He was commanding officer of the Spitfire in the Mexican War and at the beginning of the Civil War he commanded the Powhatan in the relief of Fort Pickens at Pensacola. Porter recommended Farragut for the New Orleans Expedition, served under him in command of the Mortar Flotilla which successfully bombarded Forts Jackson and St. Phillips in April, 1862. He was in charge of the Mississippi Squadron, as rear-admiral, in September, 1862, improvised a navy yard at Mound City, Ill., assisted in the capture of an Arkansas post in January, 1863, ran the Vicksburg Batteries, reduced the forts at Grand Gulf, and co-operated with General Grant in the siege of Vicksburg. He assisted in the disastrous Red River Expedition in 1864, and, as commander of the North Atlantic Blockading Squadron, co-operated with General Butler in the capture of Fort Fisher in January, 1865. Porter was superintendent of the Naval Academy at Annapolis, 1865-1869. He died in Washington, February 13, 1891. Consult J. R. Soley, Admiral Porter, 486 pp. New York, 1903.

starting from either of the points mentioned, an opportunity will be afforded for examining the quality of the camel in Asia Minor. It might risk the success of the enterprise to import them from a southern climate. Damascus and Palmyra were once celebrated for their dromedaries, and the Kurdistan territory still possesses animals of fine quality. Whenever you meet with fine animals it would be well to procure them. While on the land expedition, circumstances and your best judgment must be your guide. In the unsettled state of those countries, at present, it will be necessary for you to start with a party sufficiently large and well armed to secure you from being molested by wandering tribes. After embarking the camels, you will proceed at the most suitable season of the year to the United States, stopping at such points as in your opinion will be desirable for the purpose of obtaining supplies for the animals. You will proceed to the coast of Texas and land them on the most convenient point, where Major Wayne or such other person as may be designated by the Department, will take sole charge of them. From that point you will report your arrival to me and unless further instructed, proceed direct to New York.

During your absence, report to me whenever you can find an opportunity, giving me full information of your operations. For further information, I refer you to the instructions to Major Wayne, a copy of which is herewith furnished. In case of any accident to Major Wayne, by which he might be prevented from carrying out the instructions I have given him, you will proceed alone to fulfil these instructions.

While engaged on expeditions on shore, your expenses will be paid, also the expenses of those persons it may be deemed necessary to take with you.

Very respectfully Yr obt Serv
JEFFN DAVIS
Secretary of War.

John J. McRae to Jefferson Davis.

(From the Library of Congress. Manuscripts Division.)

Unofficial
Private & Confidential

Executive Office Missi.
Jackson May 20th 1855

Dear Col.

Should the Office of Govr of Kansas become vacant by the resignation, or removal of Govr. Reeder, will you do me the favor to ask the President to give me that appointment.

My private fortunes broken down in the crash of 1840, and entirely exhausted by my getting into politics in 1848, require me to seek a new country, where there may be a hope of their being bettered, or some position which will give me a support, which public life will not do in Missi.

If the Office of Govr. is not vacated, the Superintendency of Indian Affairs in Kansas—a Commission to make a Treaty with the Florida Indians, or any position to aid my pecuniary affairs will do, even in Utah.

I have named this matter to no one here, and you will be pleased to regard it, as strictly between ourselves, if it cannot be accomplished. I would not make the suggestion if my necessities did not demand it, which are not known to but one or two friends at home.

Our Convention will meet here tomorrow two weeks, and we had hoped to have you with us, but from what I learn now, you will not be here. I regret this very much. The Convention I suppose will renominate me for Govr. But nothing but the requirements of the Party will induce me to accept it.

You ought to come home and run for Govr. the Convention would nominate you by acclamation, and with your name at the head of our ticket, it would go through by thousands. I can only battle along and go through with the Party if it will go through, which I have no doubt it will.

Again I say if nothing can be done in the matter which this letter proposes, it is entirely between ourselves. I enclose one for the President.

Be pleased to write me by the Convention,
and believe me ever
Yr friend
JOHN J. McRAE

Col.
Jeff Davis
Washington
D. C.
[Indorsed: Gov McRae of Miss.[1]

Private & Confidential.
Sec. saw Gov McR
ere this—and answered
him verbally—]

[1] 1815-1868. U. S. Senator from Mississippi, 1851-1852; Congressman, Thirty-fifth and Thirty-sixth Congresses; Governor of Mississippi, 1854-1857.

Jefferson Davis to Robert McClelland.

(From Letter Books Secretary of War Old Records Division, War Department.)

War Department
Washington May 22d 1855

Hon. R. McClelland,
Secretary of the Interior,
Sir

By the 9' section of the Indian Appropriation Act, approved March 3d, 1855 (10 Statutes 701) an appropriation is made to enable this Department to execute a contract made March 12, 1839 with J. B. Ferribault and wife, provided the Secretary of War shall be satisfied with the validity of their title to the lands mentioned in said contract &c.

Referring to Ex doc. 82. 26' Congress, 1st session, for a history of the title of the Ferribaults, which will be found to rest solely upon an instrument printed at page 5 of that document, I have the honor to request the views of your Department as to the effect of the conveyance thereby made or intended to be made by the Sioux Indians, and the nature of the title, if any, conveyed to and remaining in the Ferribaults after the action had upon it by this Government.

Very respectfully Your Obt Serv
JEFFN DAVIS
Secretary of War.

Jefferson Davis to A. Hyde.

(From Mississippi Department of Archives and History.)

To A. Hyde Esqr,
Sir,

Soon after I took possession of Mr. Everett's[1] house a workman was sent to repair the doors, but it was very partially done in some cases and not all in others, and is still required.

Other repairs and additions should be made, such as cracks in plastering, papering walls which have remained bare &c— and I write to inquire whether it will be done, and if so to suggest that some one competent to decide as to what is necessary

[1] Edward Everett.

and proper be sent to make the examination of the house and premises—

Very respectfully yrs,
JEFFN DAVIS

23d May 1855.

Endorsed: Rec'd 25 May '55, Col. Jeff Davis Mr. Hyde sent this. I answered the next day, see letter book. Dr Sir What shall I do with this?

Jefferson Davis to Robert McClelland.

(From Letter Books Secretary of War Old Records Division, War Department.)

War Department
Washington May 23d 1855

Hon. R. McClelland,
Secretary of the Interior.
Sir

I have the honor to acknowledge the receipt of your letter of the 17' instant with enclosures from the Commissioner of Indian Affairs, and the Superintendent of Indian Affairs in California, in regard to an application made by the latter to General Wool for a detachment of soldiers to capture certain Spaniards under indictment for kidnapping Indians, which application was not granted.

The Commissioner asks that General Wool may be authorized to detail a military force whenever called on by the Superintendent to enable him to carry out in good faith the provisions of law, and the obligations of the Government to afford protection to the Indians &c.

In the particular case mentioned by the Superintendent it would seem to be the appropriate duty of the civil officers to arrest the persons under indictment, and, if aid be necessary, the *posse comitatus* is their proper reliance.

On being assigned to the command of the Department of the Pacific, General Wool was instructed to confer freely with the Indian Agents, and to give them all needful aid in the execution of their duties—affording them the countenance and support of the military power, which are so essential in the negotiation of treaties and in all dealings with savage tribes.

These instructions would seem to be sufficient for all ordinary cases that may arise, and I cannot consent to enlarge the scope

of them to the extent requested by the Commissioner of Indian Affairs.

Very respectfully Your Obt Serv
JEFFN DAVIS
Secretary of War.

S. Cooper[1] *to Winfield Scott.*

(From Letter Books Secretary of War Old Records Division, War Department.)

War Department
Washington June 1'—1855

Lieut. General Winfield Scott,
Comdg the Army U. S.
New York,

General,

Your letter of yesterday was received this morning.

The President does not conceive that anything in your telegraph or my reply, furnishes the slightest ground for regret or mortification on either side.

As you are to be here on Monday I do not deem it necessary to make any explanations until your arrival.

Very respectfully, Your Obt Serv
S. COOPER
Acting Secretary of War.

S. W. Inge[2] *to Jefferson Davis.*

(From the Library of Congress. Manuscripts Division.)

San Francisco
June 10th 1855.

My Dear Sir

I wish to speak a frank word or two to you in reference to certain charges which have been made by a Mr Johns against Maj Robt Allen and which have been transmitted to the Department. Allen has had a virulent law suit with Johns, in which I represented as counsel, the former in which judgment was recovered against Johns for a considerable sum of money, the payment of which he has hitherto fraudulently evaded. The

[1] Adjutant-General U. S. A.
[2] Congressman from Alabama, Thirtieth and Thirty-first Congresses. United States Attorney for the District of Columbia.

suit was based upon allegations of fraud arising in the confidential relation of agent which Johns occupied towards Allen all of which were fully sustained in the trial. I am sure that the charges against Allen were prompted by malice and are false and unfounded and I think it a duty of friendship on my part, to give you this inside view of the transaction.

The decision of the Supreme Court, confirming the floating claim of Col Fremont, to ten leagues of land covered with a dense population of American preemptioners, has excited much apprehension among the people. I am making an effort to have such a final decree entered up here, as will protect as far as practicable the rights of preemptioners. From the enclosed very imperfect report of the action taken in the case since its return, you will see the points upon which I rely. Unless the Court here sustains my propositions, I shall consider it my duty to carry the case by appeal again to the Supreme Court.

We think here that Cal[a] is right in Politics; A bold issue has been made with Knownothingism, to be determined in the state elections in Sept[r], Foote is a rampant champion of the new faction and has announced his determination to canvass the state. His object of course, is the Senate; but I hardly think, he will ever have another opportunity of worrying that respectable body.

As ever your friend
S. W. Inge

Hon Jeffn Davis
Washington D. C.
[Indorsed: Hon S. W. Inge].

J. D. W. De Bow[1] *to Jefferson Davis.*

(From the Library of Congress. Manuscripts Division.)

Washington D C June 30, 1855

My dear Sir

I learn that M[r] Mason has resigned the *Patent office.* In March 1853 I was a Candidate for that place endorsed by many

[1] De Bow, James Dunwoody Brownson (1820-1867), journalist and statistician, was born at Charleston, S. C., July 10, 1820; was graduated from Charleston college in 1843, and was admitted to the bar in 1844. He was editor of the Southern Quarterly Review, 1844-1845, in which his article on the Oregon Question attracted international attention. In 1845 he established De Bow's Commercial Review in New Orleans and was Professor of Political Economy and Commercial Statistics at Louisiana

of the most influential Congressmen & democrats of the South including most of the Southern Governors. I withdrew the letters & the application on Mr McClellands polite invitation to the Census office, but I still have them.

I have desired the place in order to perform some services for the South which has never had it, in the event that the President has not fixed upon Mr Mason's successor, but I will approach no person but yourself on the subject, unless necessary. I have no other engagements that would now interfere.

Please excuse the frequent trouble I give you in my own matters

Yr friend & svt
J D W De Bow

Hon Jeff Davis
Secy of War.
[Indorsed: J. D. De Bow
June 30. 1855.]

Jefferson Davis to Winfield Scott.

(From Letter Books Secretary of War Old Records Division, War Department.)

War Department
Washington July 12, 1855.

Brevet Lieut. General Winfield Scott,
Commanding the Army,
New York,
Sir,

Understanding that Brevet Brigadier General Hitchcock, Colonel 2d Infantry, has recently received from your Head Quarters, a leave of absence for four months, I have respectfully to inquire upon what grounds the indulgence was accorded, as under the circumstances of the case General Hitchcock's regiment being on the eve of active campaign and the General

University, 1848-1850. At this time he also helped to found the Louisiana Historical Society. He was head of the State Census Bureau, 1850-1853; Superintendent of the U. S. Census, 1853-1855; and president of the Southern Commercial Convention at Knoxville, Tenn., 1857. In 1865 he resumed the publication of the Review, which had been suspended during the Civil War, publishing it in New York City, and subsequently in Nashville. In his later years he was converted to the economy of free labor. He died in Elizabeth, N. J., February 27, 1867. De Bow wrote The Industrial Resources of the Southern and Western States. 3 vols., New Orleans, 1853, and The Interest in Slavery of the Southern Non-Slaveholder: The Right of Peaceful Secession, 30 pp., Charleston, 1860.

himself assigned to the command of the most advanced and important post the reasons should be peculiarly urgent to justify his exemption from duty, more especially as the practice of the Department has been to refuse leaves of absence to officers serving with troops in the field.

Very respectfully, Yr obt Serv

JEFFN DAVIS
Secretary of War.

Winfield Scott to Jefferson Davis.

(From Senate Ex. Doc. No. 34, 34th Congress, 3d Session.)

HEADQUARTERS OF THE ARMY,
New York, July 17, 1855.

SIR: Your letter of the 12th instant, demanding why I had given a leave of absence to Brevet Brigadier General Hitchcock, colonel of the second infantry, was received yesterday.

Your predecessors in the War Department have, in their *mandatory* communications to the higher army officers, very generally, and I believe, always, when they expected to be obeyed, condescended to speak in the name of the President of the United States; but in the very dogmatic letter before me I do not perceive the slightest allusion to the wishes or instructions of the constitutional commander-in-chief of the army and navy of the United States.

Nevertheless, I will *assume,* for once, that you have written by the proper authority, and accordingly have the honor to report, for the information of our common superior, that the leave of absence was granted to Brevet Brigadier General Hitchcock to enable him to attend to some private business of great importance to him and certain orphans under his charge, and because his regiment was likely to be separated into many small detachments in the impending campaign against the Sioux Indians, and that such detachments might be better commanded by the lieutenant colonel, majors, and senior captains respectively, than by any brevet, brigadier general, or colonel, who would necessarily be considered as superseding some junior in command, appropriate to the grade of the latter.

Very respectfully, your obedient servant,

WINFIELD SCOTT.

Hon. J. DAVIS,
Secretary of War, Washington, D. C.

Jefferson Davis to James Buchanan.

(From Pennsylvania Historical Society.)

Washington D. C.
23d July 1855

My dear Sir

It gives me real pleasure to present to you my friend W. E. Starke of New Orleans. He visits Europs on commercial business, but like Mrs. Gilpin on pleasure bent will probably go to as she went out of Lon'on-town. Among those things which he will desire for the gratification it will give him will be an interview with you. He is a zealous, state-rights Democrat and always shares the toil of a Canvass when Democracy gives her banner to the breeze.

The little carking cares which you know beset a secretary have prevented me from writing to you sooner and replying to your very kind and interesting letter. I will write to you very soon at more length and for news from the South west refer you to my friend Starke who bears this.

You need not have regretted the necessity of referring inventors to me, for the war in the East has given such impulse to domestic as well as foreign destructiveness that weekly sometimes daily projects are presented for the more rapid and certain killing of our fellow men. Even the Clergy engage in this, a Rev[d] parson sometime presented a breech loading rifle with which he said he could kill a man eighteen hundred yards, but seeing my surprise he corrected himself by saying a good shot who had tried the gun could do so. Our trouble however in this connexion is very small compared with that of our friend Stoeckel.

The formation of a secret political organization extending over the Union is one of the events in our country which presents a new era. Its contemplation is both saddening and disgusting. I hope never to despair of the Republic or to lose confidence in the people yet such things do inevitably shake confidence in the sober thought of our masters.

In haste I must conclude & hoping to write again soon remain

very truly yours

JEFFN: DAVIS

Hon. J. Buchanan.

Jefferson Davis to Winfield Scott.

(From Letter Books Secretary of War Old Records Division, War Department.)

Washington July 25' 1855

Lieutenant General Winfield Scott,
Commanding the Army,
New York

Sir,

Your letter of the 17' instant, in answer to mine of the 12th is before me.

I leave unnoticed the exhibition of peevish temper in your reply to an enquiry from this Department in relation to a matter of importance to the military service; and as you have, though under a species of protest, furnished me the information requested, I have to acknowledge its receipt and to inform you that it is not satisfactory. You will therefore revoke the leave of absence to Colonel and Brevet Brigadier General Hitchcock, and direct that officer to repair to the Head quarters of his regiment by the first opportunity.

In your statement as to the practice of the Department, you have been less than careful about the facts.

You say that my predecessors in the War Department have, in their mandatory communications to the higher Army officers, very generally, and you believe always, when they expected to be obeyed, spoken in the name of the President. Such has not been the practice, and a reference to your own correspondence with the Department will show that as Commanding General of the Army you have received and executed directions from every one of my predecessors in office since you attained that position, which contained not the slightest allusion to the wishes or instructions of the "constitutional commander in chief of the Army;" but which there can be no question, were "expected to be obeyed." It is therefore not only "for once" that you assume such a communication to be written by "the proper authority," but you have invariably acted upon the same assumption, or rather upon that reasonable if not necessary conclusion.

The President speaks and acts through the heads of the several Departments in relation to subjects which appertain to their respective duties; and within the limits of those which are enjoined on, or entrusted to the Secretary of War, by the President of the United States, the act of the Secretary is in

legal contemplation the act of the President, and as such claims to be respected and obeyed. The authority of the Department extends to military commissions, and to matters respecting the military affairs of the country, and is not measured by the grade of the officer concerned.

By asserting that in communications to the higher Army officers my predecessors have observed a certain form, you seem to propose for my observance a rule in which the rank of the military officer is to determine the manner in which the Secretary of War will communicate orders to him.

Such a rule could only rest on the supposition that the Secretary of War has relative rank, among the officers of the Army which is too absurd for consideration.

Very respectfully Your Obt Serv

JEFFN DAVIS
Secretary of War.

Winfield Scott to Jefferson Davis.

(From Senate Ex. Doc. No. 34, 34th Congress, 3d Session.)

HEADQUARTERS OF THE ARMY,
New York, July 30, 1855.

SIR: Your letter of the 25th instant, in reply to mine of the 17th, was received at this office when I chanced to be absent on account of the extreme heat.

It would be easy to show that the whole letter in which you charge me with exhibiting a "peevish temper," is as flippant in its statements and logic as in that of accusation.

Certainly, as Secretary of War, you have done enough to warrant more than a suspicion that, from the first, you had considered it your special mission, by repeated aggressions on my rights and feelings, to goad me into some perilous attitude of official opposition. To prove my long forbearance—for at my time of life all angry discussions are painful—I will now proceed to enumerate some of the provocations alluded to, without dilating, in this place, on your partisan hostility to the brevet of lieutenant general, and to the compensation that Congress intended to attach thereto.

1. Details for special service are frequently made by the Adjutant General in your name and without my previous knowledge, as in the letter of April 14, 1853, directing five officers to report to Governor Stevens.

2. Escorts for surveys have been detached in the same way, by instructions, direct, to commanders of departments, giving even the grade and number of enlisted men. See letters of April 23, 1853, and May 18, 1853; and in respect to the construction of military roads in the Pacific division, letter May 31, 1853.

3. You gratuitously raised a case, (noticed in my letter to you of May 28, 1853) about which I could not possibly have blundered, in order that you might have the pleasure of reminding me that the President of the United States is my superior.

4. You have kept up, through the Adjutant General, a correspondence with commanders of geographical departments, direct, ordering the establishment of new posts, the abandonment of old, the movements of troops, &c. See letters to the commanders of the Texan and western departments, dated, respectively, September 15 and October 20, 1853.

5. Military operations, as at this time in Florida, are carried on by a like correspondence.

6. When Inspector General Churchill, well known to be an aged and crippled officer, was relieved from inspecting the 8th military department by my order, on account of his debility, I was required by the Adjutant General's letter (in your name) of April 26, 1853, to report whether General C. had produced a medical officer's certificate to justify that indulgence.

7. The War Department general order of May 9, 1854, restricts, for the first time, the general-in-chief from granting leaves of absence to four months—the Secretary seizing into his own hands exclusively the right to grant a longer absence from duty in all cases whatsoever.

8. Movements of troops are constantly made, from the same quarter, without consulting me, and without my previous knowledge. Take, as further instances, the three light batteries of artillery sent to Fort Snelling and the Washita, where the cost of maintaining them has been enormous, and their efficiency unavoidably lost.

The foregoing cases are sufficient to show that you, sir, have, in hostility to me, and to aggrandize your own authority, silently abrogated the 48th paragraph of the *General Regulations for the Army*, which declares: "The military establishment is placed under the orders of the major general commanding in chief, in all that regards its discipline and military control. Its fiscal arrangements properly belong to the administrative departments of the staff and to the Treasury Department, under the direction of the Secretary of War."

In your letter under consideration, I am told that my reasons for granting the leave of absence to Brevet Brigadier General Hitchcock are not satisfactory to you. In case this rejoinder should come under the eye of the President, I add, for his information, an omitted reason for that indulgence, viz: from the instructions of the War Department (dated March 22) to the commander of the expedition against the Sioux Indians, I, like that commander, was led to suppose that his operations for more than four months would be limited to the establishment of depôts, and the collection of a sufficient number of troops to render the campaign short and decisive.

My report on that subject having proved unsatisfactory, you imperiously, and apparently of your own plenary authority, command me to revoke that leave and to direct the officer to repair, &c., &c.

If such had been the will of the President, it was easy for you to say so, and, in that case, I should, with alacrity, have complied. But, thinking to entrap me, you have taken care not to speak in his name.

According to General Hamilton, (*Federalist*, *No.* 69,) the President, in respect to the army, is only the first general of the republic, and I will add, that the Secretary of War is, in respect to commands or orders, strictly military, but the chief of his staff, and in that capacity bound by the rules which govern other staff officers belonging to the department of commands or orders.

"Staff officers, *as such*, are the organs through which their respective commanders or chiefs communicate orders and instructions either verbally or in writing, and a staff officer will add 'by order of,' or 'by command of,' such a one, or premise 'I am commanded or instructed by,'' &c. These forms may be dispensed with if the person to whom the order is addressed be junior to the staff officer, and always in mere matters of course, as on parades. This paragraph is applicable to chiefs of staffs and to their assistants, also to aids-de-camp and adjutants. The officers of the administrative or disbursing departments of the staff as such, are not contemplated by it."

The principle of this regulation, common to all armies, was originally, in its present and definite and authoritative shape, laid down for our army by President Monroe, and, lastly, by President Polk.—(See the General Regulations.)

The view I have here taken of this subject is precisely that recognized by Congress in the 63d article of war, which declares that sentences of death or sentences dismissing general

officers shall not "be carried into execution until the whole proceedings shall have been transmitted to the Secretary of War, to be laid before the President of the United States for his confirmation or disapproval and orders in the case."—(See, also, section 5, act March 3, 1813, and section 9, April 24, 1816—both respecting general regulations for the army.)

In my reply (July 17) to your letter of the 12th I said that your predecessors, "in their mandatory communications to the higher army officers, had, very generally, and, I believe, always, when they expected to be obeyed, condescended to speak in the name of the President."

In one of your captious retorts, you seize upon the distinction "higher army officers" without perceiving that my allusion was more to the deference due to age than to superior rank or commissions.

Premising that, comparatively, but few of the strictly military orders and instructions bearing the signatures of Secretaries of War are printed in congressional documents or other books, and that of that small number perhaps more than a third has eluded my search of the last three or four days, I shall now proceed to support the general proposition contained in my letter to you of the 17th instant and the views herein expressed, by examples derived from the former and sounder practice of the War Department.

I will begin with the orders or instructions of Mr. Secretary Armstrong—by far the greatest military critic that our country has produced. See his letters, &c., (all of 1813,) to General Dearborn, dated, respectively, February 10, April 19, July 6; to General Boyd, July 30; to General Harrison, March 5, April 4, September 22; to General Wilkinson, August 5; and in 1814 to General Jackson, March 24. See next, Mr. Secretary, Mr. W. H. Crawford's letter to General Jackson, October 2, 1816.

Mr. Secretary Graham (*ad interim*) addressed, in 1817, letters to Major Bankhead (November 12) and to General Gaines, (October 30 and December 2,) which are here cited to the same end.

The first Seminole war and Mr. Secretary Calhoun followed. See his letters to General Gaines, December 26, 1816, and to General Jackson, same date; also, letters to each of those generals, August 14, 1818, and I have omitted his letter to Colonel Hayne, March 7, of the same year.

I beg to refer next to two letters addressed to me in 1828,

of June 3 and 19, by Mr. Secretary Southard, acting in the War Department.

Following up the same subject, Mr. Secretary Porter addressed four letters to me, in the same year, dated June 25, August 4, and November 15 and 26, to which I refer.

I have found but one illustration in the time of Mr. Secretary Eaton—a general order of President Jackson, dated August 13, 1829, signed by the Secretary. (I have no old documents unprinted within my reach.)*

My instructions respecting the removal of the Cherokee Indians were written by myself and signed by President Van Buren; (Mr. Secretary Poinsett was confined by a severe illness.)

In the time of Mr. Secretary Marcy, I am pretty sure, without time for a minute examination, that he very generally, if not in every matter of gravity and importance, followed the legal and courteous practice of older and better times.—(See his numerous letters, &c., to the commanding generals in the field during the Mexican war.)

I have left out of the chronological order the high examples of Mr. Secretary Dallas, (acting in the War Department,) in the time of President Madison.—(See the remarkable papers connected with the reduction of the war to a peace establishment in 1815, all drawn up by that Secretary, and to be found printed in *Gordon's Compilation of Army Registers,* vol. 1, pages 51-60.)

For the same purpose I will refer to the many orders approving books of tactics and general regulations for the army, beginning in 1815, and continued, without variation, down to March 29, 1855!

I offer this last date as an *argumentum ad hominem*, in reply to one you have so complacently attempted to play off upon me—charging that I had, within late years, obeyed instructions from Secretaries not written in the name of the President of the United States. If I have, let the cases be looked into, and I am much deceived if they be not found to fall under one or other of the following heads: 1. Letters that enjoined nothing of importance, or nothing that I considered would dishonor me in the obedience. 2. Instructions which I considered reasonable, or which were not disagreeable to me—not wishing to break with authority on a matter of form. 3. Letters of course, covering views previously discussed and settled between the President, the Secretary of War, and myself; and I cite, as cases of this kind, the instructions to me (mostly oral) respecting nulli-

fication in 1832; the patriot troubles on the Canada frontiers, from 1837 to 1840; the troubles on the Maine frontier, in 1839; the beginning of the war with Mexico, &c., &c.

It is needless to say that your letter to me of the 25th instant falls under neither of those heads. Following up your personal rebuke in the letter of the 12th, your object, in violation of principle, is evidently to crush me into a servile obedience to your self-will. I know your obstinacy, and I know also what is due to myself as a man and a soldier, and if I am to be crushed I prefer it at the hands of my military peers.

Notwithstanding the representations of your beneficiaries and sycophants, military and civil, with or without your approbation, that you stand so intrenched in the favor of the President that any appeal against your caprice or injustice would be sure to lead to an aggravation of the injury—not believing them, I ask that this letter may be laid before the President; and I beg him to have the kindness to read the citations I have made in support of my proposition, or it will be impossible for him to form any idea of their force and aptness.

I remain, sir, respectfully yours,

WINFIELD SCOTT.

Hon. JEFFERSON DAVIS,
Secretary of War, Washington, D. C.

As requested by General Scott, this letter is referred to the President without comment, and accompanied by the letters which constitute the previous part of this correspondence, being the same heretofore submitted and marked Nos. 1, 2, and 3.

JEFF'N DAVIS,
Secretary of War

AUGUST 1, 1855.

Winfield Scott to Jefferson Davis.

(From Senate Ex. Doc. No. 34, 34th Congress, 3d Session.)

HEADQUARTERS OF THE ARMY,
July 31, 1855

In making up his letter of yesterday to the Secretary of War, the undersigned, oppressed by heat and other physical causes, accidentally failed to hand over to the engrossing clerk a paragraph intended for the next to the last, which the undersigned deems indispensable to complete his views on the (to him) im-

portant subject discussed in that letter. He now begs to offer it as a *post scriptum.* This is the paragraph:

But if it were admitted that, on matters of gravity or importance, a few cases may be found in the times of our more eminent Secretaries of War, outside of that overwhelming current that I have cited—and I cannot recall one—of what benefit would the exception be to their present successor in office. He, it seems, wishes to make their slips the rule of his practice; and, forgetting that delegated authority cannot be delegated by the delegate, he has capped the climax by usurpation and absurdity in causing the Adjutant General habitually to issue commands to the whole army, (without the slightest allusion to the President,) *"by order of the Secretary of War!"* There is but one step more in the downhill career; let some sergeant major, under his signature, fulminate written mandates to a regiment in the name of its adjutant!

Respectfully submitted to the Secretary of War,
WINFIELD SCOTT.

Referred to the President, in connexion with the letter of General Scott, transmitted yesterday.

JEFF'N DAVIS,
Secretary of War.

August 2, 1855.

Jefferson Davis to James Buchanan.

(From Pennsylvania Historical Society Collections.)

War Department
July 31t 1855.

Hon. James Buchanan,
Minister to London,
Dear Sir,

The bearer, Mr. William H. Sanders, of Mississippi, is about to make a tour through Europe, and I take the liberty of introducing him to your acquaintance as a gentleman of high respectability and great worth. Any attentions it may be in your power to bestow on him will be gratefully appreciated by

Yours, Very truly,
Jeffn: Davis.

Jefferson Davis to S. C. Stanbaugh.

(From Letter Books Secretary of War Old Records Division, War Department.)

War Department
Washington August 1' 1855

S. C. Stanbaugh, Esq
Washington City

Sir,

I have again, at your request, considered the question as to the validity of the title of J. B. and Pelagie Ferribault to the island at the confluence of the St Peters and Mississippi rivers.

A great deal of irrelevant matter has been introduced into the arguments on this subject. The question submitted by the Act to the determination of this Department is a narrow one, and no consideration personal to the Ferribaults or other parties can in any way affect it. The question is simply whether the Ferribaults have a valid title to the island in question, and that is to be determined by the character of the grant of August 1820, the only evidence of the title which they produce.

That grant purports to convey to the United States in consideration of many acts of kindness received by the proprietors from Colonel Leavenworth, as agent of the United States Government, a certain large tract of land, reserving however, therefrom and granting to Peggy Campbell, Duncan Campbell and Pelagie Ferribault, each a smaller tract of land within the limits of that granted to the United States.

To these grants the Government never assented, but, on the contrary expressly dissented, and notified the parties interested that all the grants were void.

It cannot be, and is not, contended on the part of the claimants that this grant operated to convey a fee simple, or any legal title whatever to the private grantees; but, in the argument now presented, it is contended that it should be held good as a partition of the lands of the tribe, and as an assignment of the lands in question to the intended grantees, to be held by the Indian title of occupancy; and it is asserted that it was the custom of the tribe to make such partitions. However this may be, as between different branches of the tribe, no instance has been cited when the United States have recognized the right of a tribe to convey land to an individual Indian without the consent of this Government; while, on the other hand, in the 9' Article of the treaty of Prairie du Chien, 15' July 1830, the Sioux asked and received permission to bestow land on their own half breeds to be held by Indian title only. The request

made of the Government in that case is inconsistent with the claim (now set up) of the right of the tribe to make such division without the assent and against the will of the Government.

Moreover, I am satisfied that the transaction was not at the time understood to be a partition of the Indian lands. It was a grant procured by a public agent for the purpose set forth by him, and the consideration of the grant is expressed to be the many acts of kindness received from the Government agent. It was made at a military station, executed in the presence of the military officers, the Indian Agent and the Interpreter, and immediately forwarded by the Commanding officer to his Government for approval. All these circumstances stamp the character of the transaction of one between the Whites and Indians and not as an arrangement between different members of the same Indian tribe.

It is evident also that the reservation, not less than principal grant, was made at the instance of Col. Leavenworth. In the reports of Col. Plympton and Mr. Taliaferro, of July 1839, it is stated that in 1819, Ferribault, being then settled at Prairie du Chien, was taken up to the St Peters by Col. Leavenworth, and by him was permitted to build a cabin on the island now claimed, which he finally abandoned in 1821. It is important to keep these facts in view, for by some it seemed to be understood that Ferribault had been first in possession under the grant of the Indians, and had been removed to make way for the military; whereas Col. Plympton expressly states that the military had possession of the land in August 1819—Ferribault did not obtain his grant till August 1820, and he went into possession by the permission of Col. Leavenworth. These facts prove that the Ferribaults were settled there not by the Indians but by Col. Leavenworth. His letter transmitting the grant shows the same thing, particularly the concluding paragraph, in which he alludes to the fault found by certain parties with every thing *he had done,* the efforts he expects therefore they will make to prevent the confirmation of the grants, and the imputations that will, in consequence, be thrown upon his own character. Although Col. Leavenworth displays in this letter much anxiety for the confirmation of the reservations, it is a significant fact that he does not press it on the ground that the Indians desired it, nor does he intimate that they had any wish on the subject. He could scarcely have omitted this point, if, in his opinion, the motives now ascribed to the Indians in making the grant had existed.

On its face the whole transaction was one, of which there are numerous examples, of a cession of Indian land to the United States with reservations within the tract in favor of individual Indians. In many cases such reservations have been confirmed; in others the Government has refused to sanction them; and in the latter event, it has never been supposed that, notwithstanding such dissent, all the Indian title passed to the reserves.

There is another question remaining, whether the Indian title alone would possess that "validity" which is contemplated by the Act. The implication, from the wording of the contract of purchase as well as from that of the appropriation, shows that a legal title was contemplated such as P. Ferribault would have had, if the grant of 1820 had been confirmed, descendible to her heirs, or alienable by deed. If the Indian title was only in question, it was absurd to insert in the contract the provision that the money should not be paid until the title should have been passed by "deed executed and acknowledged according to law," or to provide in the Statute that a conveyance be made to the United States sufficient to pass the title. It is not in this way that the Indian right of occupancy is extinguished. The price, too, nearly $40. per Acre was manifestly the value of lands held in fee simple. These circumstances leave no doubt on my mind that the Department in making the conditional contract of purchase, and Congress in legislating upon it, had a fee simple title in view, such as would require a deed of conveyance to pass it—not a mere right of occupancy.

The hardship of setting up Pike's treaty against the claim has been strongly urged as if something old and forgotten had been drawn forth to defeat a just claim. But Pike's treaty was cited against the grant as soon as it was made, and while the Government was deliberating on the question of confirming it. Pike's treaty, which was made in 1805 and confirmed by the Senate in 1808, provided for a future occupation of the land by the United States. Possession was taken in 1819. Ferribault's grant was obtained in August 1820. In 1821, while the subject was under consideration by the Department, Mr. Taliaferro, the Indian Agent, reported that the land in question was within the limits of that ceded by Pike's treaty, and the Department, in answer to that and other reports from him, refused to confirm the grant.

Here can be found no laches on the part of the Government. Its proceedings were prompt enough, and Pike's treaty was cited the moment the case arose.

On a full review of the case I can not find a valid title to the

land in the Ferribaults. Nor do I see that any such right has been admitted by this Department. It appears to have been willing and desirous to extinguish the claim of the Ferribaults on grounds of expediency even while expressly denying any right in them; Congress, however, has never acceded to this proposition, being willing to purchase a valid title, but not to quiet a claim. Such title the Ferribaults, so far as is shown, have not, and never have had; and if they have any claim upon the equity or generosity of the Government, the law does not provide for it.

Very respectfully Your Obt Serv

JEFFN DAVIS
Secretary of War

Jefferson Davis to M. C. Meigs.

(From Letter Books Secretary of War Old Records Division, War Department.)

War Department
August 2d 1855

Captain M. C. Meigs,
U. S. Army,
Sir,

I have received your letter of the 27' ultimo, submitting a correspondence with Hon. Mr. Everett, Mr. Powers and Mr. Crawford in regard to sculpture for the capitol, with the view of preventing any impression that you had been guided by prejudice or favor in the employment of artists for such work.

Before the receipt of your letter I was confident of the entire conscientiousness and propriety of your course in the matter; but if I had not been, its perusal and that of the accompanying correspondence could not fail to have satisfied any possible doubt.

Very respectfully Your Obt Serv

JEFFN DAVIS
Secretary of War.

Jefferson Davis to Winfield Scott.

(From Senate Ex. Doc. No. 34, 34th Congress, 3d Session.)

WASHINGTON, D. C., *August* 2, 1855.

SIR: Your letter of July 30 was received yesterday, and, as you requested, was referred to the President. Your "post scriptum" was received this morning, and sent to be read with the

letter by the President. When these communications are returned to me they will be answered.

You have taken the occasion of an official correspondence to make unfounded imputations upon my motives, and to use such language as my idea of the requirements of official courtesy does not permit me to notice in my official character, and I therefore adopt this unofficial mode.

You ascribe to partizan hostility my opposition to conferring on you the title of lieutenant general. But that opposition was actively and publicly made when I was a member of the United States Senate, and chairman of the Committee on Military Affairs.

You were then known to the country as a distinguished soldier, but had not been forced upon the public attention as a partizan politician, nor, as such, been judged by the people, or opposed by me.

You certainly had better opportunity to know of my opposition then than when it was merely that of a well settled, long entertained opinion, held by me in a position which separated me from participation in the active business of Congress. My views were publicly given, as a senator, to a sufficient extent, to show on what my judgment rested; and your present accusation, which charges me with usurpation for the most unworthy ends, and imputes to me motives inconsistent with official integrity, is considered basely malevolent, and pronounced utterly false.

I have the honor to be, &c., &c., &c.,

JEFF'N DAVIS.

Lieutenant General W. Scott.

Jefferson Davis to D. B. Clayton

(From Mississippi Free Trader, Sept. 5, 1855.)

Washington, D. C., Aug. 3rd, 1855.

D. B. Clayton Esq.,

Dear Sir: Yours of the 27th July was received this morning and I cheerfully comply with your request, though the absurdity of the statement to which you call my attention renders it difficult for me to think of it gravely.

The conversation reported to have taken place between the President and myself after my return from Mississippi never occurred.

It is true I anticipated the removal of Gov. Reeder and spoke

of it when in Mississippi: but surely I could not for that reason have asked the President to remove a public officer. But if it had been possible for me to request such an act, for such a reason, it would have been impossible for the President to have answered me in the rude manner and with the paltry spirit attributed to him in the poor fiction which is at least appropriately placed where it is found in the "Know Nothing" group.

The enclosed correspondence between the Secretary of State, Mr. Marcy and Gov. Reeder which was held and published during my visit to Mississippi, must have shown to every one who read it, that the removal from office of Gov.R. which has since taken place was then in contemplation.

Whatever may be said of the course pursued, no fair man can ascribe the action of the President to an unworthy pursuit of popularity: and I hope, indeed, confidently trust that my fellow citizens of Mississippi will appreciate the Executive who, regardless of consequences, moves, steadily, firmly and quietly on to the full discharge of his duty.

Very respectfully, Yours &c.,

JEFF DAVIS.

Winfield Scott to Jefferson Davis.

(From Senate Ex. Doc. No. 34, 34th Congress, 3d Session.)

HEADQUARTERS OF THE ARMY,
New York, August 6, 1855.

SIR: I have received a note from you dated the 2d instant, which you seem to desire me to consider as unofficial.

I shall not comply with that singular fancy, as you can have no legitimate claim to address me except as Secretary of War. Accordingly, I shall treat your communications, whether designed as private and scurrilous, or public missives of arrogance and superciliousness, as equally official; there are beauties in them which ought not to be lost; and it shall not be my fault if I do not render your part of this correspondence a memorable example to be shunned by your successors.

Having deprived me of the right to grant leaves of absence for more than four months, you, in the 12th ultimo, in beginning of this particular correspondence, usurp the authority of the President, to demand me—for it was usurpation to make such demand, except in the President's name—why I had given a leave to an officer for that period? I replied, reminding you

that you had failed to speak by the authority of the Executive, but added that I would, "for once," assume you had received his instructions, and gave the reasons. This gentle appeal to law regulations and usage, at a time when many of our best officers find even these barriers no protection against the caprice of your self-will, is characterized by you (July 25) as an "exhibition," on my part, of "peevish temper," and in the same strain, (at the end of the letter,) after wrongfully imputing to me the attribution of "relative rank" to the Secretary of War, "among the officers of the army," you tell me that the proposition "is too absurd for consideration."

After the use of such freedoms—not in the name of the President—it comes with an ill grace from you to charge (in your letter of the 2d instant) that "I have taken the occasion of an official correspondence [&c., &c.] to use such language as my [your] idea of the requirements of official courtesy does not permit me [you] to notice in my [your] official character."

In my letter to you of the 30th ultimo I made a passing allusion to your partisan hostility to the revival of the rank of lieutenant general, and to the pay, &c., attached thereto. You, in reply, very strangely suppose me to refer to events that occurred in the Senate, in 1850-'51, when you were a member. My allusion was entirely to your course in the War Department; and not to the *rank* only, but also, in terms, to the *compensation* intended by Congress. On this point your note observes a masterly silence.

I have the honor to be, &c., &c., &c.,

WINFIELD SCOTT.

Hon. J. DAVIS,
Secretary of War, Washington, D. C.

Jefferson Davis to Mrs. E. E. Ogden.

(From Letter Books Secretary of War Old Records Division, War Department.)

War Department
August 25' 1855

Mrs. E. E. Ogden,
New Haven
Connecticut.

My dear Madam,

I received yesterday a letter from our friend, Mrs. MacRee communicating to me your desire to have a leave of absence

granted to your father, so that he could go on to you if he wished to do so. I cannot properly give such a leave without violating the rules of the service governing such cases, but will give directions to the Adjutant General to write General Smith and state to him the object you have in view, with the request that if your father's services can be dispensed with, he may be permitted to leave his command, if he wishes to do so. I do not doubt General Smith's kind feelings will induce him to do whatever he can properly do in the case.

I need not assure you, my dear Madam, how deeply I sympathize with you in your grievous affliction. My long acquaintance with your husband and high appreciation of his character, both as an officer and a gentleman, make me feel his death as a personal and official loss, and I may say with truth that such is the universal sentiment of the Army. And while I am well aware that no words of mine can assuage your grief, I know that, from an old friend, you will not regard as an intrusion, the expression of his sympathies.

With sincere regard, I am
very truly, Your friend
JEFFN DAVIS,
Secretary of War.

Franklin Pierce to Jefferson Davis.

(From Senate Ex. Doc. No. 34, 34th Congress, 3d Session.)

WASHINGTON, *September* 5, 1855.

MY DEAR SIR: The enclosed letters, referred to me some time since, have been read, and are herewith returned, with an opinion of the Attorney General, which I deemed it proper to require upon the legal question raised.

The conclusions of this opinion are approved, and will be regarded as the settled doctrine as to the relation of the President to the respective heads of department.

FRANKLIN PIERCE.

Hon. JEFFERSON DAVIS,
Secretary of War.

Jefferson Davis to Winfield Scott.

(From Letter Books Secretary of War Old Records Division, War Department.)

War Department
Washington Sept 7. 1855

Brevet Lieut. General Winfield Scott,
Comdg the Army,
New York,
Sir,

I have received your letter of the 30' July, your "post scriptum" thereto, dated the 31' July and your letter of the 6' ultimo.

The letter is a reply to an unofficial note, which, not as Secretary of War, but as a private gentleman, I addressed to you on the 2d instant, to repel certain false accusations which you made against me individually in your official correspondence. Your reply to this note is not entitled to be treated as an official communication, but as you claim it to be such, I so receive it, without however changing the unofficial character of my own.

I proceed now to to respond officially to your several communications. Your letter of July 30' consists of two parts, the first containing an enumeration of alleged aggressions and provocations on your rights and feelings; the second containing an explanation and vindication of the position you have taken in regard to the form in which communications should be made to the higher army officers, in order to secure their obedience. I do not see what these aggressions and provocations have to do with the question in issue as to the validity of the acts of this Department not expressed to be done by order of the President. It introduces a new subject into the correspondence, and while I am not at all reluctant to spread on the records of the Department a full history not only of these acts which you consider as provocations and aggressions upon your rights and feelings, but of every case in which I have been called upon to decide questions in which your interests have been involved, I regret the length of the discussion which the necessity of replying to your charges imposes upon me. Nor am I to be at all deterred from a full exposure of the groundlessness of your charges by the threats you make of rendering my part in this correspondence a memorable example to be shunned by my successors. This is the merest bravado in one who himself affords the most memorable example on the records of this Department of a vain controversialist, defeated, and a false accuser exposed.

You specify in separate charges, appropriately numbered, eight distinct aggressions or provocations, and in front of them, not marked or numbered as one of them, you place another charge of partizan hostility to the "brevet Lieutenant General and to the compensation that Congress intended to attach thereto." I have replied to the charge that my opposition to it was of a partizan character, in another form, and in terms which I will not repeat here. My opposition to the revival of the grade in the Senate was upon public considerations set forth in the open session of that body. Any partizan hostility since the result of the Presidential election would be so utterly aimless and gratuitous that it needs no denial.

As you have noticed my failure to remark on your claim to compensation as a Lieutenant General, and have, in derision, termed it a "masterly silence," I will not longer abstain, when thus urged, to consider that branch of your complaint. Before entering, however, upon the subject, I will premise that you were duly informed of the reference of your claim to the Attorney General, and when you applied for it, were furnished with a copy of my objections to the allowance claimed by you, which with your letters advocating your claim, had been submitted to the Attorney General. Before concluding the review of your pecuniary claims before this Department, I think you will perceive that my silence upon that branch of the subject was not caused by the want of material for a reply or by hostility to you. If you do not find in it evidence of forbearance and charity, it will but further exhibit your proneness to pervert and misrepresent my conduct towards you.

With regard to your claim for brevet pay, my views have been stated in the paper submitted to the Attorney General. To these I have only to add the expression of my conviction, derived from a careful examination of the debates when the question was discussed in Congress, that the purpose was, for eminent services in the war with Mexico, to confer a complimentary distinction, not to grant a pecuniary reward.

Your account was presented to the Pay Department for payment, but the paymaster General, for reasons given, declined to authorise the payment, and referred the matter to me for a decision. Your various arguments in support of your claim were read and considered, but they left me under the conviction that no law existed to warrant your account. Notwithstanding this conclusion was quite clear to my own mind, as the question was one of legal construction, it was referred to the Attorney General for his opinion before final action on the case;

and whatever may be the technical legal construction, few if any members of Congress, it is believed, contemplated the claim which you present of thirty thousand dollars for back pay and an increase of your future compensation of five thousand dollars per annum.

The next case to be noticed of your unsettled claims for compensation, was also one in which I have been compelled to take a view adverse to your pretensions.

In consequence of a report from the Accounting Officers, representing that you were charged with moneys drawn from the Treasury or levied upon the enemy in Mexico, for which you had failed to account in the manner prescribed by law, I had occasion to call your attention to the subject, and to examine the accounts which you presented. It there appeared by your verbal and confidential explanations, that you had expended in Mexico and were entitled to credit for all the moneys received by you there except one sum of 6399^{86} which you had retained, as in part payment of a commission of 3½ per cent on your disbursements, but without any authority of law. This, the President has power to allow under an Act giving him a liberal discretion in regard to allowances in Mexico during the war. Another was a sum of $1485\ ^{19}/_{100}$ which you had claimed on your return from Mexico as the balance of your commission at 3½ per cent, but which the Department had refused to allow, and which, when, for a few weeks acting as Secretary of War *ad interim* in August, 1850, you caused to be paid to you by a military disbursing officer in this Department. I have no remark to make on the character of this transaction, except that I believe it to be without precedent in the history of our Government. The payment was entirely illegal, and, in my opinion, the money must be refunded. Although the two sums above mentioned, made up a commission of 3½ per cent in your disbursements, which was all you had ever yet claimed, nevertheless before presenting the account to me, you amended it by enlarging the charge of commission to 5 per cent, and thus showing a balance due you on that account of $\$399\ ^{41}/_{100}$; As the provisions of law extended only to authorise payment to be made out of moneys already in your hands, and not to make any draft upon the Treasury, you endeavor to put the claim in this position, by giving to Captain Clark, Quartermaster in the Army, who held in his hands money drawn from military contributions, a receipt for that sum, with the understanding, however, that he should not pay you the money unless the claim should be allowed. This proceeding being brought to my notice, I com-

municated to that officer and the Quarter master General my disapproval of the transaction.

This claim, also, is one which, in my opinion, there is no authority of law to allow.

In this place, better than in any other, I can notice the charge numbered 3 in your enumeration, that I gratuitously raised a case (noticed in your letter of May 28, 1853) in order to have the pleasure of reminding you that the President of the United States was your superior. This was in the nature of a "compensation" case, and its consideration is appropriate in this connexion. The circumstances are as follows. The regulation which governs the allowance of travelling expenses, gives officers ten cents per mile for all journeys performed "under written and special orders from the proper superiors," while to officers "who travel without special instructions "from their superiors, but "upon duty which conveys the general authority or imposes the "necessity to travel," it allows actual expenses and no more. This last provision was adopted in 1844 in consequence of the fact that the previous regulation allowing ten cents per mile in all cases, had been abused. As the cost of travelling by steamboat and rail way, averages not the half of ten cents, sufficient distances could be passed over in a day by such modes of conveyance as to yield at that rate a large per diem, and the object of the regulation was to prevent officers from travelling on their own authority so as to realize a profit. Soon after I came into the Department, you sent to me an account for mileage on a journey to Washington, to meet the Military Asylum Board; the rate charged was sixteen cents per mile—ten for yourself and six for servant; the latter being authorised when his services are actually necessary by reason of wounds or disability. You had been paid the amount, but the Accounting officers had refused to admit the payment as correct, because the bill was unaccompanied by any evidence that the journey was performed under orders from a superior. You desired to have their decision reversed, and the only ground on which a reversal was sought, for you did not see me in person, was a note found endorsed on the Account, when it came from your hands, to this effect, "Par 1st of the Regulations of March 5, 1844 requiring "a written order to entitle officers to mileage, does not apply "to the General in Chief, he being the senior officer of the Army, "and authorised to travel by his own authority."

The suggestion that you were the "senior officer of the Army" I could only understand to mean that you had not a superior from whom you could receive orders; and therefore claimed to

be excused from producing them, and conceiving this to be the issue raised between you and the Accounting officer, I decided against you on the ground that the President was your superior and could give an order which would fulfil the regulations and entitle you to the ten cents, and that without such an order you were not entitled to that rate of mileage. The terms of the regulation are not confined to orders given by Army officers, it says "proper superiors," and my decision was that the President is your proper superior. These are the facts on which you base a charge that I gratuitously raised this case in order to make that decision. Your letter of May 28' distinctly states that you brought the case up yourself—that you, in person, brought the account to the Department, and being unable to see me, left it with the Chief Clerk, not doubting that it would be passed. As to the claim itself, it appears to me there cannot well be a clearer case than this: the regulation distributes all cases of officers travelling on duty, under two classes; first those who travel under orders and second those who travel without. You admit that you travelled without orders, yet seek to receive the allowance given only to those who travel under orders:—and this allowance, it seems from the letter of May 28' it had been your custom to draw as well after as before the regulation, designed to put an end to that practice was issued.

I fear, however, that this decision has shifted the charge of your trips to Washington on Asylum business from the public Treasury to fall on a class less able to bear it, as I understand that you now draw mileage at the rate above mentioned from the funds set apart for the support of old and crippled soldiers, the accounts of which fund do not come before this Department.

Returning now to the numerical order of your charges—the first and second are as follows—

"1st. Details for special service are frequently made by the "Adjutant General in your name, without my previous knowl- "edge, as in the letter of April 14, 1853, directing five officers "to report to Governor Stevens."

"2d. Escorts for surveys have been detached, in the same "way, by instructions direct to commanders of Departments, "giving even the grade and number of enlisted men; see let- "ters of April 23d, 1853 and May, 1853, and in respect to the "construction of military roads in the Pacific Division, letter "May 31, 1853."

These refer to the detail of officers to make surveys of a rail road route to the Pacific and of others to construct military

roads, with the escorts necessary for their protection while engaged on that duty. I designated the officers to conduct the several surveys, and upon consultation with those officers, I designated their Assistants and determined the organization of their escorts. When this was done, the names of the officers selected were communicated to the Adjutant General in order that orders might be given for the formal detail. You are aware that all such matters, in the Adjutant General's office, are things of routine, and I have no doubt whatever, that the details of the officers in question were made in proper form. Paragraph 916, Army Regulations, declares that "From the great extent of coun- "try occupied by the troops, and their consequent subdivisions "into small commands, it frequently may become necessary that "orders, circulars, and other official communications should go "direct from General Head Quarters to the commanders of "regiments, detachments and posts, and to individuals, without "observing the regular channels of communication, and prescribes "that, In all such cases, copies of the orders or communications, "or notices of their import, will be transmitted to the command- "ing Officers, through whom, in the regular course, the com- "munication would have to pass, with information of the fact "of their having been sent direct." It is true that the War Department is not General Head Quarters, nor is it at all within the regulation, but the latter shows how the regular channel of communication is to be dispensed with when necessary, and the Adjutant General has undoubtedly pursued the proper mode of issuing such orders, under that regulation. And here I will remind you, that at your request and for your own convenience you have been permitted to transfer your Head Quarters to New York, and had it been desirable to consult you in regard to these details, you were, for the purpose of prompt conference, beyond the reach of the Department.

The 3d charge I have above disposed of; the 4' 5'and 8' are identical in substance and may be considered together: They are in the following words.

"4th. You have kept up, through the Adjutant General, "a correspondence with commanders of geographical depart- "ments direct, ordering the establishment of new posts, the "abandonment of old, the movements of troops &c. See letters "to the commanders of the Texan and Western Departments, "dated respectively September 15' and October 20'—1853."

"5th. Military operations, as at this time in Florida, are "carried on by a like correspondence."

"8th. Movements of troops are constantly made, from the

"same quarter, without consulting me and without my previous "knowledge. Take as further instances the three light bat- "teries of artillery, sent to Fort Snelling, and the Washita, "where the cost of maintaining them has been enormous, and "their efficiency unavoidably lost."

I am at a loss to know whether the burden of the complaint is that I have kept up a correspondence with the commanders of military departments, or that in keeping up that correspondence, I have done so through the Adjutant General. The letters you refer to as examples of the impropriety, were written by the Adjutant General, and hence it might seem that his agency is the cause of offence; but on the other hand, as you adduce these facts as evidence of hostility to you and of a design to aggrandize my own authority, I cannot suppose that my using the Agency of the Adjutant General to do what I could properly do myself, can be any cause of offense, since that would be rather a relinquishment than an aggrandizement of authority. I am therefore compelled to believe that however strange it may appear, you mean to charge me with usurpation of authority in corresponding with commanders of military departments.

To this I have to reply that it has been the constant practice of this Department to correspond directly with all officers holding commands of importance. Par 26 Army Regulations proves the practice, by requiring officers to acknowledge and answer direct all communications to them direct from the President or Secretary of War, and the recent publication of the correspondence of this Department during the Mexican war, and on other occasions since, renders it notorious that the Secretary of War issued instructions direct to all the military officers commanding different armies in the enemy's country. The same was the case during all previous wars or Indian troubles. The books are filled with such correspondence during the Black Hawk war, the Florida war, the Creek and Cherokee difficulties and the troubles on the Northern frontier. In all these cases the Department corresponded direct with all the principal officers in command passing over the Commanding General and all others that stood between. None should know this better than yourself, for on many important occasions you had instructions direct from this Department and not through the Commanding General. Your service in the Black Hawk war was performed under instructions from the Secretary of War, dated June 15' 1832, directing you to "proceed without delay to Chicago, and "assume the command of the regular troops and militia in the "service of the United States &c."

In the Florida war you were directed, by instructions from this Department of January 21' 1836 "to repair without delay "to Florida and assume the direction of the operations against "the Seminole Indians."

The instructions of April 11'—1838 under which you conducted the removal of the Cherokees, were from the President direct. You are particular in stating that they were drawn by yourself, the Secretary of War being sick. I do not see why you mention this, but since the authorship is thus disclosed, it explains the occurrence in those instructions, of a clause which became the basis of a claim for compensation—a claim which though twice rejected by the Administration which gave the instructions, you procured to be allowed and paid by an Acting Secretary during the succeeding administration. Your brother officers, who did not enjoy the advantage of drawing their own instructions, had to be content with their bare pay, but even if the pen had been put into their hands as it was into yours, it is due to them to say that I do not believe they would have made themselves a penny the richer by it.

Your instructions for duty on the Northern frontier, were given by this Department under date of November 3d 1838, and for duty on the North east, they were given by this Department under date of February 28' 1839.

None of these were given through the Commanding General, and all are examples of communications direct from the Department to inferior officers.

On all these occasions the first general instructions were followed by numerous others. The practice of the Department during the administration of President Fillmore, must necessarily have great weight with you. You were brought from New York and established in the War Department in order that the Secretary might have the benefit of your advice and aid. Yet he continued to correspond with military officers of all ranks, particularly the commanders of military departments. Prominent examples of this are found in his instructions to Colonel Sumner, General Smith and General Hitchcock, when they were assigned to command in New Mexico, Texas and California respectively. You made the military detail for duty, the Secretary gave them instructions for their guidance on assuming command, and afterwards continued to correspond with them directly, while you occupied an office in the same building. It is unnecessary for me to go further into details and cite the particular instructions which ordered movements of troops, the establishment of posts &c. I have sufficiently shown what the practice of the Depart-

ment has been in the particulars complained of by you. It is too broadly marked on all the records of the Department to admit of any question. You, yourself, in your correspondence with General Jackson in 1817-18 maintained the right of the Department to issue instructions direct to inferior officers without passing through their immediate superiors. The case in which the Department then exercised the right was one of the most questionable that could occur, yet you upheld it.

With regard to par. 48 of the Revised regulations of May 1st 1847, which you make it a matter of accusation that I have silently abrogated, I have to say that it never received the construction which your complaints imply, for the exclusive control of the military establishment has never been surrendered to the senior General of the Army, as the unvarying practice of the War Department exhibits. And your proposition that "dele-"gated authority cannot be delegated by the delegate" has not therefore been contravened in this case to the extent which your argument assumes, when claiming that such authority has been conferred upon yourself.

Your sixth complaint is that you were required to report whether General Churchill, whom, on account of his age and disability, you relieved from the duty of inspecting the 8' Military department and directed to inspect the Eastern division, had produced a Surgeon's certificate of disability in order to justify the indulgence. The circumstances under which that report was required were these:

In March 1853 a communication was received from the Treasury Department remonstrating against the withdrawal of certain officers from duty under that Department on the survey of the coast. This being referred to you, you submitted your views to the Department under date of March 19', proposing to restrict greatly the details for that service, and among your remarks on the subject were the following in the case of one whom you described as "an officer of great merit and suffering under "a wound gallantly received in battle," who had been placed on that service as a light duty suited to his condition, but without your consent. In reference to him you said "Officers are "either *fit* or *unfit for duty*. If the latter class be countenanced "the public offices in Washington, the recruiting service, the "Coast survey, would soon take away a majority of the officers "from the frontiers. To resist this tendency, incessant vigilance "is required, and the General in Chief can do little without "the cordial support of the Secretary of War." These views were so emphatically expressed that I was not a little surprised

to hear a few weeks after that you had relieved General Churchill from the duty of inspecting the 8' Military department and assigned him to the duty of inspecting the Eastern division on no other ground than that the latter was a lighter duty. I very naturally desired to know on what grounds you had so soon departed from a rule, in the maintenance of which, you had asked my cordial support, and accordingly I made the inquiry which has given you offence. The facts themselves supersede the necessity of remark.

Your next charge is that the War Department General Order of May 9, 1854 restricts, for the first time, the "General in Chief" in granting leaves of absence to four months.

To this I need only say that the War Department had the unquestionable right to make that order, and believing that the authority to give unlimited leave had been abused, I deemed such a restriction necessary for the interests of the service.

Within the four months immediately preceding the issuing of that order, the following cases occurred in which officers already on leave of absence, had had their leave so extended as to embrace long terms, viz: seven officers for eight months; three for nine months, three for twelve months, and two for sixteen months, at a time when official reports showed a great want of officers with the troops.

The case which has given rise to this correspondence affords an instance of the injudicious exercise even of the restricted authority which you retain. General Hitchcock, after having been for more than a year recruiting his regiment, 2d Infantry, which had been broken up and the officers thereof dispersed to recruit their companies, was ordered, when its ranks were again filled, in command of six companies to establish an advanced post on the Upper Missouri, in connexion with the proposed campaign against the Sioux Indians. You forthwith gave him leave of absence for four months when the known difficulties of communication with the Upper Missouri rendered it extremely improbable that he would, after enjoying such leave, be able to reach his command before next summer; and this in violation of the rule you had voluntarily laid down and officially communicated to the Department, that you would "grant no in-"dulgence to officers of the 2d Infantry extending beyond the "period, when that regiment may be required to move west-"ward." The reasons you assigned for this indulgence were "to enable him to attend to some private business of great im-"portance to him and certain orphans under his charge, and "because his regiment was likely to be separated into many

"small detachments in the impending "campaign against the "Sioux Indians, and that such detachments might be better "commanded by the Lieutenant Colonels, Majors and senior "captains, respectively, than by any brevet brigadier General "or Colonel, who would necessarily be considered as supersed-"ing some junior in a command appropriate to the grade of the "latter."

With regard to the first of these reasons, the necessity of attending to private business, it is to be remarked, that while recruiting his regiment he enjoyed more favorable opportunities of attending to his private business than are generally possessed by officers of the Army; and that leave of absence could then have been given with less inconvenience to the service than at the subsequent period.

The second reason arising from the separation of his regiment in detachments, applies with equal if not with greater force to every Colonel in the service. I presume there is not a regiment that will not be as much divided as General Hitchcock's, and there has not probably been, since the Mexican war, and will not again occur before another war, an occasion on which the several regiments will be more concentrated than on the projected expedition against the Sioux Indians. If this reason for granting leave to General Hitchock be valid, and be applied to all other regimental colonels who thus would rarely have an appropriate command in time of peace, it follows that officers of that grade would be habitually on leave except in time of war.

Having thus gone through the eight enumerated provocations and aggressions, not forgetting those in regard to the brevet and compensation, which though not paragraphed and numbered, I believe to be more grievous than all the eight together, I come at last to that part of your letter which attempts to vindicate the position you have taken in regard to the proper form of orders from this Department.

Your first proposition was not that the Secretary should always speak in the name of the President, but only in communications to the "higher army officers." In reply to this I gave reasons why the form of communications from the War Department could not be graduated by rank of the officers to whom they were addressed. In your rejoinder you change your ground and say that your allusion was more to the deference due to age than to superior rank or commissions. Now, your allusion could not have been to age, as the examples you cite in support of your proposition prove; for in a majority of your examples

the Secretary was older than the General he addressed, and in none of the other cases, probably, was there that disparity of age which would have required deference from one to the other. But, granting that these cases were all examples of the deference due to age, what becomes of the argument that this form of expression was necessary to secure obedience? May a soldier refuse to obey instructions because they do not manifest the respect due his age? May a soldier refuse to obey instructions which would be obligatory on a younger? Or may an officer refuse to obey instructions from a young Secretary which he would obey from an old one? Your doctrine would lead to endless confusion, and the disputes that would arise would have to be settled by reference to the records in the family bible, instead of the Army Register.

If you have failed to establish the form contended for on the ground of deference due to age, the attempt to rest it upon the Army regulations will hardly be more successful. To avoid all question as to your position, I copy here the words in which you state it.

"According to General Hamilton (*Federalist* No. 69) the "President, in respect to the Army, is only the first General "of the Republic, and I will add, that the Secretary of War "is, in respect to commands or orders, strictly military, but "the chief of his staff, and in that capacity bound by the rules "which govern other staff officers belonging to the department "of commands or orders."

A vital objection to this doctrine is that the whole argument rests upon what you "add" to General Hamilton's. It is hardly sound for you to argue from premises that rest solely upon your own authority, and are apparently manufactured for the occasion; but, a Secretary of War really influenced by a desire to aggrandize his power, could not possibly desire a better justification for personally directing all military details, than the position you assign him as Chief of the Staff of the first General of the Republic.

Your next ground is that of precedent, and you cite a number of communications which speak in the President's name, though you weaken their force by ascribing the use of that form to the deference to age. The question, however, I perceive, is not to be settled by precedent. If it were, the fact that you have received and obeyed instructions, not given in the name of the President, from every Secretary who has held office since you became Commanding General, would determine it against you. You attempt to avoid the force of this by saying that these in-

structions all fall under one or the other of three heads, which you enumerate. Your enumeration is comprehensive enough to embrace not only the orders which you have obeyed, but, probably, every order that has ever been issued by the Department. This is, in effect, a further modification of your original proposition—admitting in the Secretary a right to issue orders that may be agreeable to you, and asserting for yourself that of disobeying all, which in your judgment it may be proper to set aside. And yet you have not only obeyed the orders of the Secretary of War but you have issued them to the Army; without multiplying examples I refer to general Orders 1, 2 and 5 of 1842 issued by yourself to communicate to the Army directions from the Secretary of War, in which no reference is made to the President.

To sustain your general proposition that orders should be issued in the name of the President, you specially refer to "Secretary Armstrong, by far the greatest military critic that our country has produced" and cite "his letters &c all of 1813" &c &c

You can scarcely fail to remember that Secretary Armstrong, at the date to which you refer, and without naming the President, gave directions to Generals in the field, controlling the movements of their armies, and did himself finally repair to the theatre of active operations, Sackett's Harbor, and there where it was not possible for him to receive specific directions from the President, gave orders to Generals, and directed their military operations. This fact, which could not be otherwise than familiar to you, was rendered so to the whole country by the prominent place it occupied in the trial before a Court Martial of General Wilkinson, an aged and distinguished soldier, whose renown related back to our revolutionary war, and was connected with the memorable field of Saratoga, and who, as a military writer has been esteemed second to none who have graced our Army. In the defence read before the Court Martial by that officer, who certainly was familiar with the "former and sounder practice of the War Department," he did not argue that the Secretary of War had no authority to give orders to him, on the contrary, he shows that he wrote to the Secretary of War date of August 24, 1813, "I trust you will not interfere with arrangements or give orders within the district of my com- "mand, but to *myself*. And again complaining that this re- "quest was disregarded he says, "but a minister, my superior, "interposes his authority and deprives me of more than one "third of my army, giving to it a different destination. In this

"case can I be held responsible for the consequences? Certainly "not, my discretion is annulled, and my responsibility transferred "to my superior." In the same paper he refers to a letter from Secretary Armstrong to Major General Hampton, commanding a division in Wilkinson's Army, dated at Sackett's Harbor, October 16, 1813, giving him military orders and directing his military movements, upon which General Wilkinson remarks "after perusing this letter, can any man hesitate to say "that General Armstrong, the Secretary of War, did not under- "take to exercise the chief command, and to control the move- "ments of the troops in District No. 9. on the Northern frontier "in the autumn of 1813."

It seems almost useless to cite precedents to one who reserves the right to make exceptions to his original proposition as often as precedents are cited against it. I will, however, as you appear to have a difficulty in getting access to such documents, cite a few others in answer to the exception you take to the form in which certain orders of this Department have been communicated to the Army.

You say I have "capped the climax of usurpation and absurd- "ity in causing the Adjutant General habitually to issue com- "mands to the whole army (without the slightest allusion to "the President) by order of the Secretary of War."

There are two points in this paragraph deserving particular notice. The first is the ridicule you throw upon the practice referred to, and the second is that by charging me with usurpation, you attribute to me the introduction of that form of order.

Now the facts are that this form has been in use from the earliest possible times. Mr. Secretary Armstrong, whose authority you cite with such high commendation, in his letter to General Wilkinson of August 9, 1813, thus states the practice "All "orders to subordinate officers pass from the War Department "to the Adjutant General to be communicated by him to the "General commanding the district in which "such subordinate "officer may serve," and no period furnishes so many precedents as to that to which you refer me for "examples derived "from the former and sounder practice of the War Depart- "ment." Secretary Armstrong, himself, issued, in the two months of February and March 1813, thirty two orders in the precise form which you ridicule. They will be found at pp. 35 to 50, "Orderly Book, Vol 1." Adjutant General's office, and under date of May 1814 is found one written out in that form in Secretary Armstrong's own hand. The same book contains hundreds of similar orders, issued during the war of 1812. As

examples of similar orders at a little later period I cite specially General Orders in 1815, dated May 17, June 3d August 17, November 22d, and in 1816; January 9' March *' May 25' June 26', July 8', September 4'. The first of these was a most important order assigning the General officers, Brown, Jackson, Ripley, Macomb, Scott and Gaines to their duties in the North and South divisions. This order and all the others are strictly of the description you condemn—orders of the Secretary of War, without reference to the President, published by order of the Secretary of War, and signed by the Adjutant General. Since these there are numerous similar cases, and one identical in every respect is General order No. 25 of 1850, which one is one of the three that you issued during your very brief but unusually lucrative incumbency in the Department, as Secretary *ad interim* after the death of President Taylor.

I have quoted but few of the many precedents which warrant the present practice of this Department, and it might have been justified without any reference to them. The provisions of the Constitution, the words of the statute creating this Department, and the decisions of the Supreme Court, concur in recognizing substantive powers residing in this Department, to be exercised under the direction of the President; the President enjoining certain duties upon the Department, and the Department discharging them, under authority vested in it by law for that purpose.

The constitutional provision referred to will be found in Art. 11 Sec 2 authorizing the President "to require the opinion in "writing of the principal officer in each of the Executive depart- "ments upon any subject relating to the duties of their respective "offices—and again "authorizing Congress, by law, to vest the "appointment of such inferior officers as they think proper, in "the President alone, in the courts of law, or in the heads of "Departments."

The Act of August 4' 1789 organizing the Department of War prescribes that the Secretary of War "shall perform and exe- "cute such duties as shall from time to time be enjoined on or "entrusted to him by the President of the United States agree- "ably to the Constitution, relative to military commissions or "the land x x x forces or warlike stores of the United States, "or to such other matters respecting military x x affairs, as "the President shall assign to said Department, and further- "more shall conduct the business of the said department in such "manner as the President of the United States shall from time "to time order or instruct."

There are but three cases that I am aware of in which the Supreme Court have decided upon the relations of the President and Secretary of War—the first is that of Parker vs U. S. 1st Peters 293. One of the questions was as to the effect of an order of the Secretary of War in making an allowance of double rations, which an Act of Congress had given the President *discretionary* authority to make. The order did not speak in the name of the President, or purport to be issued by his authority. The Court said "The President of the United States has a dis-"cretionary power to allow such number of additional rations "to officers commanding at separate posts as he may think just, "having respect to the special circumstances of that post. x x x "The Secretary of War, as the legitimate organ of the Presi-"dent, under a general authority from him, may exercise the "power and make the allowance "to officers having a separate "command."

The second case is that of Wilcox vs Jackson—13 Peters 498. Instructions had been given by the Secretary of War, not in the name of the President, for the reservation of a tract of land for the use of an Indian Agency. The question was whether the land was reserved by order of the President. The Supreme Court said—"Now although the immediate agent in requiring "this reservation was the Secretary of War, yet we feel justified "in presuming that it was done by the approbation and direc-"tion of the President. The President speaks and acts through "the heads of the several departments in relation to subjects "which appertain to their respective duties. Both military "posts and Indian Affairs including Agencies belong to the War "Department. Hence we consider the Act of the War Depart-"ment in requiring the reservation to be made as in legal con-"templation the Act of the President."

The third is that of the United States vs Eliason 16 Peters 291. The question was as to the operation and validity of an order of the War Department. The Court said

"The Secretary of War is the regular constitutional organ "of the President for the administration of the military estab-"lishment of the nation, and rules and orders publicly pro-"mulged through him must be received as the Acts of the "Executive, and as such, be binding upon all within the sphere "of his legal and constitutional authority.

"Such regulations cannot be questioned or defied, because "they may be thought unwise or mistaken."

If the authority above cited be not deemed conclusive, you will at least admit the force of your own opinions as found

stated in a letter from you to General Jackson of October 14, 1817, in which you maintain the authority of the War Department to give orders, and the obligation of officers of whatever rank to obey them. The occurrence in that letter of such expressions as these, "But on a question so important as that "which you have raised with the War Department, or in other "words with the President of the United States," and again, "The War Department, or in other words the President, being "the common superior," shows that the War Department and the President were, in your opinion, as to army orders, terms of the same legal import, and therefore you denounced resistance of an order of the Department as mutinous, and as disrespectful to the President.

At a subsequent period, and for a different purpose you quote the War Department as the highest authority. See your order No. 5 of June 22d 1850.

The authorities which have been cited sufficiently, maintain the view which this Department holds and desires to enforce; to permit this to be controverted at this day would be to draw in question the validity of many of its most important orders and expose officers who have executed them to prosecutions, civil and criminal, for duties performed in obedience thereto. The disposition to raise such questions, long since decided by the highest tribunal, in judgments given publicly and known to all, is one which cannot fail, if indulged in, to seriously hinder the business of the Department at a time when the most prompt and energetic discharge of its duties is demanded throughout the extensive territories over which our small military force is scattered.

I am at a loss to assign any fair or justifiable purpose to the gratuitous fling you make at persons, military and civil,—who, from the language you employ, you must have intended me to understand were connected with the War Department. It is due to the able and honorable gentlemen with whom I am associated here, to acknowledge, on all proper occasions, my obligations to them for the assistance I have received at their hands in matters relating to the different branches of the military service, and for their cordial cooperation in the measures which it has devolved upon me to execute. In the various bureaus there are officers who have served long with usefulness and distinction—none of them have a commission as old as your own, but all of them have the advantage of having passed their entire military career without having given occasion to be arraigned before a Court Martial for official malfeasance or for conduct

reflecting on their integrity and personal honor; and their character is surely as free as your own from any trait which can subject them to your derogatory description as my *beneficiaries* and *sycophants*.

The President having returned your letters which you requested should be laid before him, with an opinion of the Attorney General upon the legal question of the relation of the President to the heads of the several departments, I transmit by this mail a copy of it, and of the note of the President which accompanied it. Though you say I have considered it my special mission to goad you into some perilous attitude of official opposition, you will not fail to perceive that by the course which the Department has pursued on this occasion, the opportunity is afforded you to retire from that, into which, without provocation, you have forced yourself.

Very respectfully Yr obt Serv
JEFFN DAVIS
Secretary of War.

Jefferson Davis to Winfield Scott.

(From Letter Books Secretary of War Old Records Division, War Department.)

War Department
Washington Sept 17, 1855

Brevet Lieut. General Winfield Scott,
Commanding U. S. Army,
New York City.
Sir,

I request to be informed whether in accordance with instructions from this Department of July 25. you have revoked the leave of absence given to Colonel and Brevet Brigadier General Hitchcock, and directed that officer to repair to the Head Quarters of his regiment.

Very respectfully Your Obt Servt
JEFFN DAVIS
Secretary of War.

Winfield Scott to Jefferson Davis.

(From Senate Ex. Doc. No. 34, 34th Congress, 3d Session.)

HEADQUARTERS OF THE ARMY,
New York, September 19, 1855.

SIR: I have received your letter of the 17th instant, and reply.

I have not revoked the leave of absence granted to Brevet Brigadier General Hitchcock, because, among other reasons, (which I shall give as soon as my health may permit,) that it was supposed he was in route, early in this month, in order to reach his post, Fort Pierre, by the 6th proximo, the day on which the leave will expire.

I have the honor to remain, &c., &c., &c.,

WINFIELD SCOTT.

Hon. JEFFERSON DAVIS,
Secretary of War.

[Endorsement.]

WAR DEPARTMENT,
September 21, 1855.

Respectfully submitted to the President for such special instructions as he may be pleased to give in this case.

JEFF'N DAVIS,
Secretary of War.

The reason assigned for the failure to revoke the leave granted to Brevet Brigadier General Hitchcock is unsatisfactory. The Secretary of War will report his views as to the means best calculated to secure promptitude in the execution of orders relative to the movements of the army.

SEPTEMBER 21. F. P.

Jos. W. Stevenson to Jefferson Davis

(From New York Historical Society Collections.)

(Received about 2 weeks since)
Sept. 20th (1855) NC

Chapel Hill

To Hon Jefferson Davis—

Dear Sir—

It becomes my pleasant duty to inform you of your election by the Philantropic Society of the University of N-C-, to deliver an address before the graduating class of June eighteen

fifty six. We proffer this invitation to you, with the earnest desire that you will accept it and by your presence, approbation and the lessons we feel certain you can inculcate, add interest to our approaching celebration.

Yours Respectfully—

JOS. W. STEVENSON—

Jefferson Davis to Winfield Scott.

(From Senate Ex. Doc. No. 34, 34th Congress, 3d Session.)

WAR DEPARTMENT,
Washington, September 22, 1855.

SIR: In my letter to you of the 7th instant, in speaking of the voucher on which was endorsed my decision of May 3, 1853, rejecting your claim to draw mileage for journeys performed without orders, I stated that the journey thus charged for was to meet the military asylum board. This was an error; the object of the journey is not stated in the voucher, but it appears from a subsequent explanation to have been for another purpose. The voucher for mileage on a journey to meet the asylum board was rejected by me in February last. It is, therefore, due to accuracy to state that my remarks on your mileage claim had reference to two vouchers instead of one.

Very respectfully, your obedient servant,

JEFF'N DAVIS,
Secretary of War.

Brevet Lieut. Gen. WINFIELD SCOTT,
New York City.

Jefferson Davis to Franklin Pierce.

(From Senate Ex. Doc. No. 34, 34th Congress, 3d Session.)

SEPTEMBER 25, 1855.

Delay is necessarily consequent upon the separation of the army headquarters from the seat of government, at which is concentrated the various military bureaus of the War Department, and the residence of the constitutional commander-in-chief of the army. To secure the greatest promptitude in the receipt of intelligence and the transmission of instructions relative to the military service, the headquarters of the army should be at the seat of government.

In the case referred to within, the failure to execute an order given to the commanding general was not the result of his separation from the seat of government, but of his persistent disobedience, a recurrence of which might not be prevented by merely changing the location of army headquarters; and, to secure the end proposed, it is therefore believed to be requisite that all orders affecting the army generally should be communicated only by the War Department, through the office of the Adjutant General of the army.

JEFF'N DAVIS,
Secretary of War.

To the PRESIDENT.

Winfield Scott to Jefferson Davis.

(From Senate Ex. Doc. No. 34, 34th Congress, 3d Session.)

HEADQUARTERS OF THE ARMY,
New York, September 29, 1855.

SIR: With all the records of the army and every compulsory assistance at hand, you have, by a toil of more than five weeks, on what, to your nature, must have been "a labor of love," poured out upon me, in twenty-seven compacted foolscap pages, the full measure of your spleen and vengeance. The book (or letter) bears date the 7th instant. Its precursor (of August 2d) prompt, and, although short, was abundantly racy—that is, savage and scurrilous. But the slowly concocted venom now vented is, no doubt, fondly relied upon to kill at once. The felonious intent is clear enough. Nevertheless, you may be forced to borrow the exclamation:

> "And 'tis not done: the attempt and not the deed
> Confound us."

You evidently write for the public. Hence the multiplicity of insinuations and charges, enveloped, without proofs, in clouds of words; and hence, also, the chicanery in statement and argument—all managed with such consummate art as to confuse and deceive any but an attentive reader. Skimming the ponderous volume rapidly, I shall now proceed to point out some of those tricks of controversy on which you so justly pride yourself.

You complain (p. 1) that while denying your right (without the President's expressed authority) to order me to revoke a

leave of absence I had regularly given, I had introduced a new subject, viz: a partial enumeration of previous aggressions upon my rights and feelings. Certainly those aggressions were to the order kindred wrongs, and adduced to show the President your early and long continued design to provoke and oppress me.

In the next page, respecting the charge of partisan hostility to the brevet of lieutenant general, and its intended pay, &c., you again suppose me to allude to your speech and votes in the Senate, although, in the meantime, in my reply, August 6, to your letter of the 2d of the same month, containing the same ingenious evasion, I had distinctly told you my allusion was to acts done since you entered the cabinet. You shirk the question of hostility to *compensation* (which I called *masterly silence*) and endeavor to throw me on the unconstitutional ground of questioning your acts in Congress. There was a purpose in all this, to divert attention from secret hostility, that would be evident if correct answers could be obtained to these questions. Did you not, at the last session of Congress, if not at the preceding one, also, exert yourself to induce members to vote against my entire bill? Did you not assist in causing a delay of the approval of the bill? Did you not, after approval, assist in causing the nomination to be delayed the unusual period of thirteen days? And did you not, about the same time, animadvert sharply, before the President and others, on the votes of certain members of Congress in favor of the bill?

I put no interrogatory as to the elaborate and volunteer argument (16 pages) against my claim to pay and emoluments that you addressed to the Attorney general on referring to him the points of law involved in the case. Some five weeks after its date, being in Washington, in your absence, I obtained, accidentally, (about June the 6th), an intimation that such a paper existed; but on inquiry, at the War Office, found that you had not left a trace of it on your records. Fortunately, however, I obtained a copy (through the Attorney General and Acting Secretary of War, no doubt against your wishes and intention) of the secret disquisition, and have answered it elsewhere.

You assert (p. 3) that Congress did not *intend* that the brevet should carry with it corresponding pay and emoluments. I have answered this question of external evidence *as to intent,* in my reply dated June 16, to that paper, which reply was also addressed to the Attorney General, and in which I took care to contradict you by citing the fact that in the Senate debate upon my bill, February, 1851, (you present and taking active part against me,) the intention to give increased compensation

was clearly understood and approved. Much additional evidence of the same character, applicable to both houses of Congress, remains to be adduced. As to the internal evidences of intention, gathered according to the rules for the construction of statutes, nothing need be said in this place.

You state (p. 4) that, *as I had failed to account according to law for certain sums of money* I had drawn from the treasury (in 1846) and levied upon the enemy in Mexico, (in 1847,) you had called my attention to the subject, (in 1854.) *I had failed to account*, &c.! Here is another piece of chicanery! For you well know that, in 1848, beginning soon after my return from Mexico, I did very fully and methodically, according to the laws of the United States and the laws of war, account for every cent of the sums in question, and showed there was a balance in my favor. Those very accounts current have been very minutely examined by you in my presence, and, as I distinctly understood, upon the spot, approved. Why was it that those accounts, rendered in 1848, and urged upon Mr. Secretary Marcy's attention, were not then definitively settled? You also well know the reason. Mr. Secretary Marcy replied to my demand, that there was no law by which to place the money levied in Mexico on the same footing as money received from the treasury of the United States, and that he would wait till some such new law could be obtained from Congress. I rejoined that I wished a settlement under the laws and usages as they existed. The *ex post facto* law was, however, obtained the following year, by which I have always refused to be bound; and it was according to this *no law* of 1849, that you will now, no doubt, pretend I ought to have rendered my accounts the year before it passed.

There is quite a batch of ingenious suppressions and perversions of facts in what you say (pages 4 and 5) about the five per centum commission retained in my hands in 1848, and subsequently received, as an indemnity for losses, trouble, and responsibilities arising out of money received and expended by me in Mexico. I thus briefly contradict and refute you: 1. The commission charged was, in no part, on money received from the treasury of the United States, but wholly on money raised according to the laws of war. 2. I did not receive a part of that commission in 1850, as "acting Secretary of War *ad interim*," or I would, suppose, have ordered the money to be passed to my credit in the auditor's office; but I received it back as the late commander in Mexico, who had, by mistake, in that

capacity, turned over to his successor the round sum of *thirteen thousand dollars,* instead of a little more than half that amount. 3. The disbursing officer *of the War Department,* as you call him, was Captain Clark, a quartermaster, and not of the personal staff of the Secretary of War. 4. The money had never belonged to the Treasury of the United States, but to the *contribution fund* money collected in Mexico, and had been held apart from the treasury for the express purpose of paying balances to officers on account of services connected with military contributions in that country. 5. "The [War] Department, [to quote you,] "on [my] return from Mexico," (1848,) did not *refuse to allow* the whole commission claimed, nor any portion thereof, inasmuch as Mr. Secretary Marcy, for the reasons mentioned above, declined to look into my accounts and vouchers. This is the transaction which you "believe to be without precedent in the history of our government;" and I pronounce your representation of it to exhibit as much chicanery as was ever detected in the pettiest attorney-at-law.

Several of the numbered remarks above are equally applicable to the second and final payment made to me, February, 1855, when I was *not* Secretary of War, by the same officer, out of the same fund, and to make up (about) the same five per cent. commission, with which payment the President was made acquainted before and after the money was returned to me. (See my note to the President on the subject, dated February 8, 1855.)

You now say that the last payment (or payments) having been brought to your notice, you communicated your disapproval to Captain Clark and the Quartermaster General. Why was I not favored with a copy? This is the first intimation of such a paper that has reached me. You also declare that this commission money "must be refunded." To whom; the treasurer? It has never belonged to the United States. But if you think otherwise, and that it was wrongfully returned to me, why not cause an action to be brought to recover it? No; you have preferred to hold the matter in hand, subject to your own tyrannical will, for stabbing innuendoes and other outrages, without regard to truth, honor, or law.

Wholly without affinity, those payments are, in your letter, (pp. 5, 6, and 7,) made to preface your defence against this allegation, viz: that you had, very early in this administration, gratuitously raised a question about travelling allowances, in order that on it you might *delicately* remind me of having a superior in the President—a fact too plain even for affirmation,

except as a vehicle for party exultation. And so, in a like spirit, I am told, in your letter of the 2d ultimo, that, as a "politician," I had been "judged by the people."

That preface (letter of the 7th instant) is followed by the rambling defence, of great length, all about travelling allowances, but without point, down to the end of page 7, and there the dagger reappears.

You charge that, in my "trips to Washington on asylum business," required of me by law, at stated periods, I drew mileage from the funds of that institution, to the loss of "old and crippled soldiers."

Here, again, there is a criminal suppression of the following important fact: 1. By a decision of your own, (about July 27, 1853,) on the application of General Twiggs, every special fund, as the Coast Survey and Military Asylum funds, must respectively pay the mileage (*transportation*) of its own officers, when travelling on its own business, instead of drawing mileage out of the annual appropriation made by Congress for the mileage of officers generally. 2. The names of Generals Twiggs, Wool, and Lawson, members of the Asylum Board, and that of Doctor King, as treasurer, are omitted in this charge against me, though each had drawn mileage from the asylum fund, under your own decision, I think, before me. 3. That there has been no want of means, without asking for current appropriations from Congress, to provide most comfortably, for more old soldiers than have presented themselves; and 4. Not the slightest allusion is made by you to my long and untiring exertions to obtain the passage of the asylum law; to the money I levied in Mexico and remitted thence (about $118,000) to serve as the basis of the institution, &c., &c., &c.

From page 7 to 17 you discuss the eight instances cited by me of your violations of No. 48 of the general regulations for the army, in which the general division of duties between the Secretary of War and the general-in-chief is laid down. Your replies, in my opinion, do not invalidate one of those citations.

At page 9, you remind me, in the way of preliminary remark, that, at my request, I was permitted to transfer headquarters to New York; but you fail to add my reasons and assurances, viz: That it would be easy to communicate with me by telegraph or mail, and that I would always be ready to repair to the War Office when called for. I have not, in more than two years, been once summoned, and I do not remember to have been consulted by mail or wires more than once or twice.

To contradict me, you cite many instances of orders issued

from the War Department before your time, without passing them through the general-in-chief. No doubt, and in some cases allowably and necessarily, in matters not purely military: such as the part I had to perform at Charleston in the time of nullification; in the Black Hawk war, that terminated in treaties with several tribes; in the removal of Indians under treaty stipulations, involving correspondence with State executives, with the power to negotiate important, pecuniary, and other arrangements with particular tribes; in the troubles of 1838-'39, on the frontiers of Canada and New Brunswick, where a slight error, on my part, might have plunged the Union into a formidable war; and the conduct of an invading army must be considered another exception, on account of its high political and national importance. Such great cases referred to by you, do not follow the technical rule. In them, the President, rather as chief magistrate than commander-in-chief, spoke through but one medium, the Secretary of War. And so in respect to the instructions given to the commanders in New Mexico, Texas, and California, in the time of President Fillmore, also cited by you. These instructions are not within my reach; but if they authorized a call for volunteers, the chastisement of Indians, (war,) the expenditure of money on barracks and forts, or other matters beyond the direct powers of the general-in-chief, no doubt, such instructions were properly issued as in the preceding cases just cited. But the *gravamen*, the substance of my complaint, was, that you aggregate into your own hands, nearly all control over the army—in small things as well as great—to the abrogation of No. 48, General Regulations, which divided that authority between us.

You point a sarcasm at me (p. 11) for having received a *per diem* as an Indian commissioner, while employed in negotiating with and removing the Cherokees in 1838, on the ground that I wrote my own instructions for that service, and had therein covertly provided for such claim. I sketched the instructions for the President, as I have said, but all the points had been previously settled between us, and he added his name after the paper had been carefully engrossed under his eye by Major Van Buren, his private secretary.

There are several other dagger thrusts remaining, which it is easy to turn against you. 1. I allude (page 22) to my "*brief* but *unusually lucrative* incumbency in the department as Secretary *ad interim*," (in 1850.) True; I received, on that occasion the usual allowance that had been given, I believe, to all other Secretaries *ad interim*, but of which practice I happened

td be ignorant, until informed that to a gallant commodore, who was at the same time Secretary *ad interim* in the Navy Department, such allowance had been just granted.

You, sir, are, in every instance, most forbidding in respect to any increase of compensation in my case, no matter how high, or what the amount of service rendered, nor whether claimed under custom, or law expressly enacted for the purpose. This almost justifies the interrogatory—but it is a little too inquisitorial—whether you have allowed yourself to touch the late increase of salary accorded to the Secretary of War?

2. You contrast (page 26) with me certain officers who have "passed their entire military career without [being] arraigned before a courtmartial for official malfeasance, or for conduct reflecting on their integrity and personal honor."

The allusion is, of course, to a trial that occurred in your childhood, and shows that you have sought the ground for blackening me, not in the record of the case, but in the foul *Memoirs of Wilkinson*. Hence your opposite process of whitewashing the author, at page 20, in order to make him a producible witness against me at page 26. The trick is not without merit, in your line of ambition, though not entirely original.

These are the facts: At the instance of the same witness, I was, as a captain in 1810, charged with *conduct unbecoming an officer and a gentleman,* but fully *acquitted* by the court. This, every officer knows, could not have happened under the 83d article of war, if the slightest imputation had been fixed by the evidence upon my "honor" or "integrity."

So much for an oft-refuted slander which nobody has ever believed, and which anybody with a proper respect for character would have scorned to revive.

A word in this connexion as to "the able and honorable gentlemen with whom," you say, you are connected in the War Department, the same whom you contrast with me, to my disparagement, in the passage just considered.

If those functionaries could be alarmed at anything, it would be, probably, at your uncalled-for defence of them.

I had said in my letter to you of July 30, viz: that, notwithstanding the boast of your "beneficiaries and sycophants, that you stand so intrenched in the favor of the President, that any appeal against your caprice or injustice would be sure to lead to an aggravation of the evil"—which, I added, that I did not believe "I would" &c., &c.,—you choose to suppose me to allude to the chiefs of military bureaus and their assistants attached to the War Office, who were not in my thoughts at the moment—

not one of whom is capable of sycophancy, or can be termed your *beneficiary,* and I may extend the same remarks to your civil associates in the same building, as far as I know them. The only beneficiary (appointee of yours) with whom I am acquainted is your chief clerk, always highly respected by me, and whom I called to act in the same capacity during my "brief" secretaryship in 1850. My allusion was to *some* of the recent appointments to the army; to outstanding applicants for like favors, and to that crowd of small politicians and flatterers with whom you delight to surround yourself.

The only acts delegating the authority of Congress to make or to alter regulations for the army, prescribe that the Secretary of War may prepare, or cause them to be prepared, but subject always to the sanction of the President.

Justifying your *new regulation,* that restricts me, in granting leaves of absence, to four months, you say, in the true style of a master, "I deemed such a restriction necessary."

This exceeds *Ego et rex* of another arrogant minister who, though he always put himself first, never failed to name the king in the second place.

You allege that in "the four months immediately preceding that order [new regulation] the following cases occurred:" Leaves to seven officers for eight months; to three, for nine months; to three, for twelve months; and to two, for sixteen months; and, of course, according to your invariable habit of gross exaggeration for yourself and against an opponent, "at a time when official reports showed a great want of officers with the troops!!"

1. To Colonel Whistler (sixteen months,) a superannuated officer, still absent *by your own leave,* and for the same cause! 2. To Colonel Loring (sixteen months,) a most distinguished officer, the extension of leave given on account of ill health and to enable him to visit Paris, where only he could replace, by mechanical art, an entire arm lost in battle. You, from sheer caprice, refused to let him cross the ocean! 3. Colonel Belton's case; absent since 1853, on leave grounded on surgeon's certificates of physical disability. 4. Major G. Morris' original leave for six months extended four; quite helpless from rheumatism. 5. Major Longstreet's; his regiment in New Mexico, a distinguished officer, application approved by all intermediate commanders; in ten years' service had not had time to visit home, six months' leave of absence at first with an extension of six. In the latter period placed on duty for fourteen days by your order, and a request addressed to me by (for the time) your adju-

tant general, to make up to the major that loss by an equal extension! 6. Major Fitzgerald's; an officer of merit who had served long in California, partly as a disbursing officer, and had heavy accounts to settle with the treasury; leave and extension granted by me for twelve months, extended by you two additional months! 7. Captain F. Gardner's; a distinguished young officer serving west of Arkansas; the leave, about a year, granted to him to enable him on urgent family business to visit his father, the surveyor general in Oregon. *Two officers were left with his company.* 8. Captain Newton's, 2d dragoons; original leave and two extensions, making eight months, on account of family affliction, commended by General Smith for long continued and arduous service in Texas. 9. Captain Bee's; a distinguished young officer; original leave for six months and extended two more to make up for the time "in coming in and going [back] to his distant station," New Mexico. 10. Lieutenant Colonel Miles, an officer of great merit; original leave for six months and extended for three; same remark as in the preceding case, with this addition, the lieutenant colonel was detained to conduct to his regiment in New Mexico a detachment of recruits. 11. Captain Steele's, a gallant and meritorious officer; left New Mexico on a leave of forty days on account of family illness, with permission to ask for an extension of four months, which was granted on account of illness and the long journeys in and back to his post. 12. Captain Carpenter's; leave for eight months; stationed in the least accessible part of Texas and his home at the other extremity of Maine; in service more than thirteen years and absent but twice in sickness. *All the lieutenants with the company at his departure.* 13. Lieutenant Beal's; leave for six months, extended three, to enable him to attend to some urgent business of a widowed mother; *two officers left with his company.* 14. Lieutenant Flint's; leave for eight months; the ten previous years constantly on duty; his post on the Upper Mississippi and home in New Hampshire. 15. Captain Wharton's; leave on account of sick family, for nine months, but about the end of the seventh ordered (not to his company) to report, for some special duty to (for the time) your adjutant general; and 16, Lieut. W. E. Jones', rifles; leave for two months and six added. This officer was at work upon certain inventions, and when the eight months were out did not return to his company, but was placed by you in the quartermaster's department for the purpose of enabling him to perfect those inventions.

Such were my alleged abuses of authority in four months in

granting long leaves of absence; such your pretexts for the usurpation in the new restricting regulation, and such the perils you have incurred under the ninth article of the decalogue.

Invalidity of certain War Department orders.

And here, to show what powers the law has withheld from you, I shall first give the functions delegated by Congress, a subject which you have (p. 22) touched upon (by design) mincingly and obscurely.

1. The act creating the War Department (August 7, 1789,) gives to the Secretary, besides the custody of records, books, and papers of the old department, the record of military commissions, the care of warlike stores, and other duties clearly administrative; 2, Section 5, act March 3, 1813, specifies and delegates power over quite a number of matters relative to stores and supplies, all clearly administrative; 3. Articles of war 13, 18, and 19 entrust the same functionary with muster rolls and returns, and gives him authority over the forms of such papers and to require stated returns; 4. The 65th of the same articles makes him the medium in passing proceedings of certain courts-martial and the organ of the President's orders thereon; 5. Another article of war (the 95th) charges the Secretary with receiving accounts of the effects of deceased officers and soldiers; 6. Act of May 18, 1826, section 1, respecting clothing, &c., charges certain duties upon the quartermaster general "under the direction of the Secretary of War;" 7. Several acts authorize the Secretary to purchase sites for arsenals; 8. The ordnance department and its *material* are made subject to the Secretary by the act February 8, 1815; and 9. Under the act March 2, 1803, section 1, the Secretary of War is authorized to give directions to the State adjutants general in order "to produce uniformity" in returns, and to lay abstracts of the same, &c. Possibly in this enumeration some other delegations of authority to the "principal officer" in an executive department, on like matters, may have been overlooked; and in every case enumerated he may, doubtless, as of and from himself, give his orders to all concerned, and delegate such authority, at least, in part, to others; but taking the rule of the Constitution (10th amendment) that "powers not delegated" are reserved or withheld, where shall we find in our code a tittle of legislation giving that civil functionary rank and command in the army, or the right to issue orders of a strictly military character (not in the name of the President) to the United States troops or any one of their commanders?

The Attorney General says, in an opinion, dated the 31st ultimo, approved by the President: "I conclude, (&c.,) on the authority of judicial decisions of the arguments constitutional and statutory, herein adduced, that, *as a general rule,* the direction of the President is to be presumed in all instructions and orders issuing from the competent department, and that official instructions issued by the heads of the several executive departments, civil or military, *within their respective jurisdictions,* are valid and lawful, without containing express reference to the direction of the President."

This is "a conclusion in which nothing is concluded," at least *against me,* taking into consideration the words I have underscored—"within their respective jurisdictions," &c. Within this restriction and the statutory range of jurisdiction expressly marked out for the War Department, as I have shown by citations above, I accept the conclusion of the Attorney General, with this further limitation on authority laid down by the Supreme Court, viz:

"Rules and orders "*publicly promulgated* through [the Secretary of War] must be received as the acts of the Executive." —(Quoted from your quotation.)

Now, are sealed orders or instructions sent by mail to an individual officer "publicly promulged" by such sending? The two words do not make tautology, though of kindred meaning, but combined they must emphatically signify *spread before the army,* and not like the book of certain dainty authors—"printed, but not published."

The court evidently intended to shield the army against spurious mandates, which, though having the stamp of the War Department, may be forgeries of the President's will, (not unfrequent of late,) and *publication* might, in some cases, lead to detection.

It seems useless to go further into the general proposition. It is enough for the present that I have shown your letter of July 25, commanding me to revoke a leave of absence I had regularly given, was but a mere *brutum fulmen,* because issued in a matter not within your proper jurisdiction, without publication, and without reference to the will of the President.

And here I should rest the question, but that you have impugned, or rather overlaid the illustrations in support of my views, "derived from the former and sounder practice of the War Department," as given in my letter to you of July 30.

I began with examples from Mr. Secretary Armstrong, whom I called "the greatest *military critic,*" &c., which you at once

pervert into a compliment to his knowledge of military laws. I have only seen, in more than forty years, a few of his letters to commanding generals in Congressional documents, and these may be divided into two classes: 1. *Mandatory*, and all, I believe, expressly referring to the President; and 2. *Explanatory*, or advisory letters, speaking as a "military critic" well grounded in the principles of strategy, &c.; of course, without any reference to the President.

These remarks, I am pretty confident, will be found equally applicable to the correspondence (of which but little is within my reach) of any eminent successor of General Armstrong. I will, however, only recur to the remarkable papers in *Gordon's Compilation of Army Registers*, pages 50 to 60; pages 70, 71, 72, 73, and 90, giving ten orders and letters of instruction, each, except two, stamped on the *face* with the authority of the President. Five of the number (orders) bear the same date, May 17, 1815; but the exceptions (the third and fifth) are not so stamped. It is the fifth of the series that you seize upon as the cornerstone of your impregnable castle—the *fulcrum* by which you overthrow all my reasonings and illustrations. You call it (p. 22) "a most important order, assigning the general officers," Brown, Jackson, Scott, Ripley, Gaines, and Macomb, to their stations in the new peace establishment. Now, it so happens that you had under eye *(Gordon,* page 56) the authority of Mr. Secretary Dallas himself, who caused the five orders to be carefully prepared, that the fifth, on which you take your stand, like the others, including the Army Register, (the third,) were submitted to the President. In his report to the President, dated May 12, before any date had been prefixed to the orders, he enumerates *(Gordon, page* 57) four of the five, and gives the character of each. The first is in Gordon, at page 51, the second, page 57, the third, (Army Register,) page 60, the fourth, page 70, and the fifth, page 71.

It will be remarked that the report to the President, with the five orders, being all published to the army at once, everybody could see that the whole system (arrangement) had received his full approbation.

I have before me two printed volumes of orders; the first beginning April 22, 1815 and ending November 18, 1833, and the second beginning in January, 1843 and ending November, 1852.

Of the hundreds of orders contained in these volumes, I find only two "by order of the Secretary of War," which do not

either refer to the will of the President, or relate to matters expressly delegated by Congress to the Secretary.

When the order is headed "War Department, Adjutant General's Office," and attested "by order of R. J., Adjutant General," the later and better practice, the army understands the direction to come from the President, through the War Department, or to proceed, if on matters within his competency, (as above explained,) from the Secretary of War himself. These are not distinctions without a difference. Every soldier will perceive that they are both substantial and in theory right.

"But if it were admitted" [as I said in the *post scriptum* of letter to you, dated July 30,] that, in matters of gravity or importance, a few cases may be found in the times of our more eminent Secretaries of War, outside of that overwhelming current that I have cited—and I cannot recall one—of what benefit would be the exception to their present successor? He, it seems, wishes to "make their slips the rule of his practice," and (I might have added) as always happens with certain imitators, they begin at the wrong end; and you seem resolved to end where you began.

Even if it were admitted that the referring of commands to the highest in authority is nothing more than a modest self-abnegation on the part of the intermediate functionary; only a matter of sentiment, taste, or, if you will, a habit of politeness and courtesy; still let it be remembered that many great and successful soldiers have highly cultivated those adornments of life—the outworks of military discipline, harmony of efficiency —and that, without them, a modern army would soon degenerate into a body of bullies and blackguards.

In my letter just referred to, I denied the right to re-delegate a delegated authority; and so I find the rule to have been laid down, 1 Peter's Digest, 295.

The Constitution makes the President commander-in-chief of the army and navy, and Congress, with express powers for the purposes, gives him, in respect to the former, officers of various grades, with "rules and articles [of war] for the command and government of the armies of the United States," under his general and special orders and instructions. Can the President delegate that high power to the Secretary of War, who is not in the scale or category of commanders (*hierarchie militaire*,) or an officer with army rank, in the contemplation of the 9th, 62d, or any other article of war? I understand you not to claim this supreme function, but only to exercise it modestly, on the *presumption* that your expressed will is the will of the

President, whether in the orders or letters you name him or not! This gives the army two presidents at once, one by the constitution and another by presumption. "Under which king," &c.? "Speak," &c? denotes a state of things quite repugnant to the lovers of law and order, as old as the regular administration of justice that sweeps away that presumption, viz: "Where an authority is lawful, the party to whom given [say the Secretary of War,] must do the act in the *name* of him who gave the authority."—(Report 87, quoted from Tomlin's Law Dictionary, *title, Authority.*) And it is still worse when the Secretary, the President's delegate, substitutes a delegate of his own—the Adjutant General—to issue mandates to the whole army in the name of the first delegate, and like principal, like deputy, both suppressing all allusion to the only competent authority in the case, the *constitutional* commander-in-chief!

It is impossible that the Supreme Court has ever sanctioned this absurdity, and if it has impugned either of the rules of law just quoted in this military connexion, the apparent dissent must be taken as an *obiter dictum*, unless it be shown that the point had been placed distinctly before the court.

I had intended to notice your gross perversion (p. 25) of a letter of mine to General Jackson in 1817, with some minor points; but time, health, and strength have been wanting. As to your boasted "charity and forbearance" towards me, (p. 3) the instances—each an outrage—have, necessarily, been so exposed and chastised in these pages, that I hope soon to be able to pray with sincerity for all "enemies, persecutors, and slanderers," without a single exception.

I have the honor to be, &c., &c., &c.,

WINFIELD SCOTT.

Hon. JEFFERSON DAVIS,
Secretary of War, Washington, D. C.

P. S.—May I, in this place, ask whether I am ever to learn what decision (or opinion) the Attorney General has given relative to the pay, &c., claimed by me as lieutenant general? I know nothing of the character of the decision—whether affirmative or negative; but I know it was handed in to you about the 6th instant.

W. S.

[Endorsement.]

The letter of Brevet Lieutenant General Scott of the ———, which is now before you, informed me that he had not complied with the order directing him to revoke the leave of absence

he had given to Brevet Brigadier General Hitchcock, and announced that additional reasons for the course he had pursued in the case would be communicated in a subsequent letter; therefore this, his subsequent letter, is transmitted to you.

JEFF'N. DAVIS.

President F. PIERCE.

Jos. W. Stevenson to Jefferson Davis.

(From New York Historical Society.)

University of N. C. Oct 2nd /55

Hon Jefferson Davis

Dear Sir

For fear you did not receive my last communication, I have presumed to remind you of the desire of the two literary societies of this institution that you should deliver them an address, at their next annual Commencement. They hope their apparent importunity may not incommode you and that you will consent to accept this earnest invitation—

Yours Respectfully

JOS W STEVENSON

Apologize for delay—and politely decline on the ground of the utter impossibility of being able to state at this early day how he will be situated at the time designated—and the almost certainty that his official engagements will prevent compliance &c &c

James J. B. White and George W. Woodbury to Jefferson Davis.

(From the Library of Congress. Manuscripts Division.)

Tokè ba (near Yazoo City) Miss[i]

Oct[r] 8[th] '55

Dear Sir

In company with other planters of this State, we carefully, and minutely examined a machine, invented by D[r] A. W. Washburn called the "Cotton planter," which for excellence and perfectness surpasses every other mode we have been accustomed to.

The front of the machine is termed the preparer which, in conjunction with the Keel opener and roller, peculiarly and admirably prepares the bed for the roller which completes the operation of planting, leaving the surface of the bed in a uniform convex situation highly important to the health of the plant, most especially in a wet season. The distributing device

is also ingeniously and appropriately adapted, as to enable the operator at any moment to detect any irrregularity in the distribution of the seed should any occur, and the colters, or shears which are designed to close the drill, in front of the roller are so admirably shaped and adjusted, as not to rake such trash as may be covered in the bed, but leaves the seed securely in the drill to be covered with well pulverized earth.

As a whole it is admirably adapted for the special purpose of cotton planting, so highly important in the cotton region, whilst at the same time it may be used for planting corn peas, or any other grain.

Inventions of this kind are generally originated by persons unacquainted (or only partially so) with the planting, and culture of cotton, hence the common disuse of them; but in this instance every important matter has been carefully and judiciously considered by Dr Washburn, himself a practical, and successful planter.

In conjunction with this machine, he has since invented two others; one to scrape both sides of the row at once, and at the same time to bunch out, at any desired distance, the other to dirt, or hill, both sides of the row at once; this work is accomplished in a more perfect manner than by the ordinary method, and with at least half the time and labor—The two latter are concomitant to the first and cannot be used if desired, except in conjunction with his cotton planter. Labor saving machines have frequently proved useless, from being too complicated, these on the contrary are adapted to the capacity of the simplest operative, who can handle a plough.

Among all other cotton planters who have witnessed the operation of Dr Washburns, we feel great anxiety that this should be patented whereby we may derive the benefit of the whole combination.

His application to the patent department probably from misconception, has been rejected and we presume to solicit your attention and influence in furthering his claims to a patent: whereby his mechanical genius may be secured for the South, which promises to create a new era in the preparation, and facility of cultivating cotton.

Most respectfully
Your Obdt. Servts.
James J B White
Geo. W. Woodbury

To
Hon: Jeff Davis,
Sec: of War, Washington, D. C.

Jefferson Davis to Franklin Pierce.

(From Senate Ex. Doc. No. 34, 34th Congress, 3d Session.)

WAR DEPARTMENT,
Washington, October 12, 1855.

SIR: In March last, the paymaster general submitted for my decision an account of Brevet Lieutenant General Scott, claiming, in addition to the pay and allowances which he had received for certain periods, certain other pay and allowances under the fifth section of the act "authorizing the President of the United States to raise a provisional army," approved May 28, 1798.

The act "regulating the pay and emoluments of brevet officers," approved April 16, 1818, prescribes "that the officers of the army who have brevet commissions shall be entitled to and receive the pay and emoluments of their brevet rank when on duty, and having a command according to their brevet rank, and at no other time."

There were three questions, then, to be considered in deciding upon this claim; the first of which was, Whether there was any statute in force fixing the pay and emoluments of the grade of lieutenant general; or, in other words, whether so much of the fifth section of the act of May 28, 1798, as fixed the pay and emoluments of the office therein provided for, was in force, and furnished the data to determine the compensation of the brevet lieutenant general? My belief was, that the provisions referred to were not in force; but the question was referred to the Attorney General. The Attorney General has given an opinion differing from the view held by me. His reasoning does not carry conviction to my mind; nor do I see clearly how his conclusions are to be applied to the case, or the general doctrines advanced be conceded, without involving consequences detrimental to the service. I have, therefore, concluded to submit the case to you, and ask your direction in regard to it, briefly stating the several questions which successively present themselves for determination.

In my view section five is not now, and has not, within the period of Lieutenant General Scott's service, been in force. I think the office it created—that of commander of a provisional army, limited in its duration to an extreme period of six years was a temporary office, coextensive in its duration with the army of which the officer was part. The Attorney General

thinks it was a permanent provision in the temporary act. He says the officer in question was authorized to command the permanent as well as the temporary army. It is true, the act empowered the President to authorize the commander of the provisional army, being commissioned as lieutenant general, to command the armies of the United States, including, of course, the regular troops, and that such authority was expressed in the commission of the first lieutenant general, commissioned under the act of 1798; but that fact could not change the legal tenure of his office. By the 62d article of war, militia officers are authorized to command regular troops; but that article has never been construed to affect the term of service of such militia officers. Nor do I conceive that the form of the commission amounts to a contemporaneous construction in favor of the performance of the office. The President was expressly authorized by the act to discharge all or any of the troops raised under it whenever he might deem it consistent with the public safety to do so; and the tenure of the commission being during the pleasure of the President, was in strict conformity with the prevision. Before one can infer, from the acts of the President, a greater permanence for the commander than for the army, it must be shown that the President did in fact, or at least intended to, retain the lieutenant general in service after the provisional army had ceased to exist; of this the commission affords no evidence. The Attorney General (p. 75) cites an adjudged case, showing that an office, including "its emoluments, expired with the subject-matter."

When a Territory passes into a State, it is not the practice, I believe, to abolish the territorial offices; yet the governor of a Territory could not claim to be such after the Territory had ceased to exist.

The Attorney General says Congress did not conceive that the office expired by inherent limitation, because they expressly enacted afterwards its contingent discontinuance. This express enactment was in 1799. The design of Congress to discontinue the office of lieutenant general within one year after its creation, does not show the opinion of that body that it would not otherwise expire in six years. The same remarks apply to the provisions for disbanding that army in the year 1800, before any one enlistment under it had expired.

The Attorney General remarks that the officers of the army have a *quasi* permanence of position very different from that of the rank and file. It is true, the soldier, on his enlistment, engages for a definite period—the officer does not; but both

are liable to be discharged at anytime. The superior permanence of the officer is due to the inducements held out to him; and if there be any legal right in either to remain in service, it is in the soldier, who alone engages for a specified time. No legal consequences, it appears to me, can be drawn from the comparative length of services of soldiers and officers, which is wholly independent of the rights of the parties.

On full consideration, I remain of the opinion that the appointment of an officer of an army expires when that army ceases to exist, and that all the statute provisions intended "to raise, and support" the army expire at the same time.

I was further of opinion, that, before the statute provisions expired by inherent limitation, they were repealed by the twenty-ninth section of the act of March, 16, 1802, which repealed all acts and parts of acts then in force which came within the purview of that act. The purpose of the act of 1802 was, in the language of the constitution, "to raise and support" an army; and its purview, in my opinion, extended to all the details prescribed for that purpose, including the enlistment of men and the commissioning of officers, their organization into military corps, their clothing, subsistence, and pay. Among the officers authorized by this act to be appointed and paid was one brigadier general, who, according to the conclusion ultimately reached by the Attorney General, was the highest general officer remaining in the army, and thus came within the description of "the general commanding the army of the United States;" for, says the Attorney General, (p. 79,) "this description of person, by evident meaning of the words and by established construction, applied not to a distinct statute commission or office, but to any general (major or brigadier) on duty as commander of the army under the orders of the War Department." This brigadier general, then, was intended to command the army under this act, *i. e.,* the only army of the United States; and yet the Attorney General says that another statute, authorizing the appointment and pay of another officer, intended to be "lieutenant general commanding the army of the United States," *i. e.,* the army raised under the act of 1802, is not within the purview of this last act. I do not undertake to say what is the legal meaning of the word *purview.* I have seen it defined, on the authority of Chief Justice Marshall, as "the limit or scope of a statute—the whole extent of its intention or provisions." The Attorney General seems to take a different view. He says, (pp. 51, 52,) "words of description may suffice to constitute express repeal, without naming the title of the

act intended to be repealed; but that depends on the words of description. If they are 'all provisions of law inconsistent herewith,' or 'all provisions within the purview hereof,' then we are driven still to the questions of construction, and repugnancy or implication; we find ourselves forcibly thrown back upon that most embarrassing of all questions, repeal by implication."

To operate repeal by implication, "there must be," he says, "absolute incompatibility," (p. 55,) "irreconcilable repugnancy," (p. 70.) That is, one statute cannot be within the purview of another, unless it be absolutely incompatible, and irreconcilably repugnant. If the definition ascribed to Chief Justice Marshall shall be correct, then, certainly, the act of 1798, providing for the appointment of certain military officers, was within the scope of the act of 1802, declaring what officers should be in the military service. There appears to me manifest contrariety in the two positions; first, that the lieutenant general does not partake of the temporary character of the act of 1798, because he was to be part of the permanent army; and, second that he was not within the purview of the act establishing the only permanent army of the United States.

The Attorney General, however, holds that the office of lieutenant general is, under the acts of 1802, 1815, and 1821, fixing the military peace establishment, abolished by implication, and by implication only. Now, what are the rules he lays down as to repeal by implication? A late statute repeals an earlier, "if the latter be clearly intended as a substitute for the former, and completely exhausts the whole matter; but, if the latter law be not in terms exhaustive of the subject-matter, then, to effect repeal, there must be collision," (p. 53.)

"In cases of apparent collision of laws, if by interpretation they *can* stand together, they must do so," (p. 54.) "All affirmative statutes are to stand together, unless the latter necessarily implies negation * * *; but, in such cases, there must be clear and manifest contrariety and contradiction to the former act, in the very matter," (p. 64.) "If the implication be accepted, it is only on the most indisputable manifestation of absolute incompatibility, and repugnance between the new and old statutes," (p. 55.) There must be irreconcilable repugnance "of particular matter," (p. 70.)

Now, the act of 1802 is affirmative throughout, and there is no collision between its provisions as to details and those of the fifth section of the act of 1798. If this section be taken as part of the law of the military establishment, the lieutenant general-

ship would be in perfect keeping with the rest of the establishment. It had co-existed in our service with all the grades provided in the act of 1802, and co-exists with them still in other services. There is, then, no collision, no irreconcilable repugnance to the details of the act, and we must look to the other branch of the subject—repeal by exhaustion. And here we find the first section of the act containing a general provision, certainly exhaustive in terms, an affirmative implying negative; but of what exhaustion? "The military peace establishment," says the act, "shall be composed of one regiment of artillerists, and two regiments of infantry, with such officers, military agents, and engineers, as are hereinafter mentioned." This certainly exhausts the military peace establishment, and negatives the existence in it of any other officers than those mentioned; but if the lieutenant general be not included within this description as part of the military peace establishment, then his office is not repealed; if he be included within that description, how can it be said he is not within the purview of the act? I think it beyond question that everything included by the first section is within the purview of the act, and that the lieutenant generalship is not repealed by implication, unless it come within the first section. I feel, therefore, no hesitation in expressing the opinion that, if the provisions of the fifth section of the act of 1798 be not repealed by the twenty-ninth section of the act of 1802, they are not repealed by that or any other act fixing the military peace establishment, and that the office of lieutenant general has never been abolished. Adhering, as I do with confidence, to the view of express repeal, I must notice one of the consequences of the contrary view—which is the conclusion stated on page 81, that the act of 1821 is the true point of departure; that, as the act of 1802 repealed that of 1798 by implication, so that of 1815 repealed that of 1802; and, again, that the act of 1821 repealed that of 1815; thus, under the doctrine of the revival of repealed acts, by the repeal of repealing acts, rendering the repeal of the act of 1798 prior to 1821 very questionable. Under the rules stated by the Attorney General, repeal by implication goes only to the repugnant parts of a previous statute; the act of 1802 was not repealed, except by implication of the acts of 1815 and 1821; and the operation of the act of 1802, in repealing that of 1798, is in nowise repugnant to the acts of 1815 and 1821.

There could, then, be no repeal of the repealing operation of the act of 1802 by the act of 1815, or that of 1821; consequently, no revival of that of 1798. Moreover, it must be ad-

mitted that the act of 1798 is just as repugnant to those of 1815 and 1821, as to that of 1802; and the law, which does nothing in vain, would not revive the act of 1798, by two successive statutes, only to repeal it again by each.

I think, then, that clearly there was no revival of the act of 1798 and that the act of 1802 is our starting point. If the view be adopted that the act of 1798 is repealed by implication only, it may be a matter of some little consequence whether the implication arises under the act of 1802 or that of 1821.

The Attorney General, adopting the view that the office of lieutenant general is abolished by implication, says (page 48) that it will be necessary to subdivide the inquiry, and distinguish between the office and the provision of pay. He then concludes that the provision for the pay of lieutenant general is not repealed by the act of 1802, neither by the 29th section, as within the purview of the act, nor by implication, as repugnant.

I have already remarked upon the construction given to the express repeal of acts within the purview of the act of 1802.

With regard to repeal by implication, the Attorney General makes a distinction. He finds the existence of a lieutenant general repugnant to the provisions of the act of 1802, and therefore decides that the office is abolished, but that the pay is not repugnant, and therefore is not repealed. No argument is made to support this distinction, and I see no ground for it. The provision for the support of the officers of the army is as wide as the provision for their rank, and if no grade shall exist other than what are enumerated, then no other pay can exist. If pay be an incident of office, so is rank; and no reason is assigned, nor do I see any, why a grade should expire with an office if pay does not. In the case before referred to, (page 93 of the opinion) the pay was held to have expired with the office. Both grade and pay may be equally distinct from the office. The commander-in-chief of our army has no military rank. The late commander-in-chief of the British army was a field-marshal—the present one is a general; though there are still field-marshals in that service. When there was no higher officer than brigadier general in our army, he was the commanding general; when there was a major general, and but one, he became commanding general, and as such is designated in several statutes. Many officers have fixed rank. The commissary general, paymaster general, and surgeon general have the rank of colonel; assistant commissaries, paymasters, and surgeons, have the rank of major. The act of March 3, 1813, author-

ized the appointment of eight quartermasters general; the one attached to the principal army was to rank as brigadier general, and the others as colonels; thus making the rank dependent upon the stations of the officers. This distinction between office and grade does not seem to have occurred to the Attorney General, or it would have relieved him from the difficulties he encounters at page 102 of his opinion, when he says, "the statute created two distinct grades, or at least a duplication of grades, that of commander-in-chief and of lieutenant general." Grade is a relative term, implying a series. Two grades in the same series cannot be equal—one must be inferior, and the other superior. Congress could not, therefore, have meant to confer two grades at once by the same commission, on the same individual; nor does the statute imply it. In various places it makes the distinction between office and rank. It authorizes an inspector general with the rank of major general, an adjutant general with the rank of brigadier general, &c., &c. When, therefore, it provides for a commander of the army, it fixes his rank as it does that of other officers; but having occasion to speak of him afterwards, designates him by his title of office, "commander of the army," not by his rank, "lieutenant general."—(Sections 7 and 9.) So, in the subsequent act of 1799, the office "commander of the army" remained the same; the rank was changed from lieutenant general to that of general.

It is true that the distinction between office and rank is not always clear, and in some cases entirely disappears. In cases, however, where the distinction exists, it becomes a question whether the pay is attached to the office or to the grade. Grade is usually, but not always, the measure of pay; perhaps, on a review of military legislation, a rule might be found, but I shall not attempt it here. I think the statute itself clearly shows that in the cases of all the officers mentioned in the 9th section by their designation of office, as distinguished from the military rank, the pay was attached to the office. The language of the statute, I think, clearly marks the distinction between those and other officers, in section 6, which provides that the President may "appoint an inspector general with the rank of major general, and the major general, and the major generals *and the inspector general,* shall each be entitled to the following pay," &c. So section 9 speaks of "the commander of the army, inspector general, adjutant general, &c., &c., *and the general field and commissioned officers,*" thus showing that in the cases where their office was distinct, it was the principal object in the mind of the legislators. By grammatical construction, the 5th section

of the act of 1798 attaches the pay to the commander of the army. It says the President is empowered to appoint "a commander of the army which may be raised by virtue of this act, and who, being commissioned as lieutenant general, may be authorized to command the armies of the United States, and shall be entitled to the following pay and emoluments." The person entitled to pay is here evidently the commander of the army, and this view is, I think, confirmed by the act of 1799, which changed the rank of the commander of the army, but left his official designation and pay the same. It is proper to remark that this last act purports to abolish the "*office*" as well as the *title of* lieutenant general; but if this single expression may seem to imply that the lieutenant generalship was an office, the contrary is, I think, abundantly shown by the original act of 1798.

I need hardly add to this that the grade of lieutenant general under the resolution of February 15, 1855, could be and has been conferred and held by brevet only. That the brevet commission implies no office is a necessary conclusion, from the fact that the resignation of the commission of major general would carry with it the brevet grade of lieutenant general.

The Attorney General has cited a number of cases to show that the appointment of military officers has been authorized without any express grant of pay, and that it has been given by construction only. In all these cases, however, I think it will be found that express words are used which bring them within the provision of other acts. I will refer to them briefly.

One major general and two brigadiers, per act of June 18, 1846. These are declared to be "in addition to the present military establishment:" the pay of "the military peace establishment" is fixed by a general provision of law, applicable to all officers belonging to it. Act of March 3, 1815, adopted by that of March 2, 1821, and still in force.

Additional major generals and brigadier generals, per act of June 26, 1846. By the act of May 13, 1846, the President was authorized to receive volunteers for the war with Mexico, to organize them into battalions, regiments, *brigades*, and *divisions,* and to apportion the staff, field, and general officers among the States, &c. Provision was made for the appointment of all regimental officers, but not of general officers; the act of June 26 supplied this omission, and authorized the appointment—the appointment of the general officers necessary for the organization of the volunteers "called into service under the act of May 13, 1846," into brigades and divisions. These

officers thus, by express reference to the act of May 13, 1846, became part of the force raised under it, and organized under the 6th section of the act, and the 9th section gives pay to all volunteers in service under it.

Four quartermasters and ten assistant quartermasters, per act of February 1, 1847. A general provision of law, of July 5, 1838, declares "that the pay and emoluments of the officers of the quartermaster's department shall be the same as are allowed to officers of similar rank in the regiment of dragoons."

An additional major, per act of February 11, 1847, to "each of the regiments of dragoons, artillery," &c., "in the army of the United States." Being thus expressly made part of the authorized regiments of the army, their pay was governed by the general laws which apply to those regiments.

Two major generals and three brigadier generals, per act of March 3, 1847. The act of February 11, 1847, authorized ten regiments "in addition to the present military establishment," and gave officers and men the pay thereof.

Act of March 3, 1847, authorizes "the ten regiments to be raised by virtue of the act of February 11, 1847," to be further organized into brigades and divisions, and the appointment of brigadier generals and major generals to command them: these officers are, by successive express references, carried back to the general military establishment.

Three additional surgeons and five assistant surgeons, per act of July 4, 1836. The 2d section of this act expressly gives pay to "the officers appointed by virtue of this act." The rate of pay, it is true, was erroneously fixed, being that of paymaster.

Six surgeons' mates, per act of March 26, 1804. These were declared to be "in addition to the surgeons' mates provided for by the act fixing the military peace establishment of the United States," and this act fixes the pay of surgeons' mates.

Among the cases cited by the Attorney General, there are but two that appear to me to be examples of the discontinuance and revival of an office in the army. The first is the case of major general. This grade was abolished by the act of March 3, 1797, and revived by the act of May 28, 1798. In this case the pay and allowances were enumerated, although, as they were fixed at the same rate that had been previously attached to the office, there could have been no necessity for this, if the doctrine of revival was a governing rule. The second is the case of the inspector general. An office was abolished by a clause in the 4th section of the act of August 23, 1842, which reduced the number of inspectors general, from two to one; and this clause was repealed by the act of January 12, 1846,

which expressly revived "all acts and parts of acts so repealed" by that clause.

In neither of these cases, therefore, was the compensation of the revived office left to depend on the constructive revival of pay and emoluments.

It appears to me that the Attorney General, under those authorities which favor the revival of compensation with the revival of an office, has too hastily taken it for granted that the lieutenant generalship was the only office established by the statute, that the pay was attached to it, and that the office has been revived.

With reference to the doctrine of revival of pay by the revival of an office, I can only remark, that the cases cited do not appear to be in point. The offices of park keeper and high steward were, I presume, not established by statute, nor did they depend upon statutory provisions to determine their compensation. The analogy is remote enough between such officers and those of the army in the country where those cases arose; it is still more remote in its application to this country, where no federal offices exist but such as are created by the written law, and no pay can attach to them but such as is therein given.

If, however, it should be concluded that the lieutenant generalship was the office created by the act of May 28, 1798, and that the pay provisions applied to it; that this office has been revived by the resolution of February 15, 1855, and that the pay provisions have either never been repealed, or if repealed, are revived with it—the second principal question is raised, viz: whether General Scott's case fulfils the condition of the act of April 16, 1818, so as to entitle him to that compensation?

And first, I have to notice a remark of the Attorney General, (p. 104,) that the brevet lieutenant general "officiates as lieutenant general only when he may be ordered on duty as such by the President." If the Attorney General designed by this remark to express the opinion that the command appropriate to a lieutenant general is the "armies of the United States," and required authorization by the President, as indicated in the act of 1798, it is a special rule, the admission of which would be conclusive of the question as to whether Brevet Lieutenant General Scott had been on duty according to his brevet, and had a command equal to his grade. If, otherwise, it means that brevet rank can only take effect by assignment of the President and that pay follows as a consequence of such assignment, I must dissent from this opinion, because it would produce great confusion in the military service, by changing the practice of

many years, and because by the 61st and 62d articles of war, brevet rank takes effect in the cases specified without an assignment; and by the act of April 16, 1818, officers are only entitled to the pay of their brevet grade "when on duty and having a command according to their brevet rank." If assignment may put an officer on duty according to his brevet rank, it is not the only mode by which his commission by brevet may be rendered effective, and assignment is not of itself sufficient to confer a right to pay and emoluments.

The next point to be noticed is, that he claims the pay, &c., for a period anterior to the conferring of his commission. The right to claim pay for such period was affirmed by the circuit court of the United States in the case cited by the Attorney General, and the reasoning, if its correctness be admitted in that case, would apply to this, although the circumstances were materially different. The case arose under that clause of the act of July 6, 1812, now repealed, which authorizes the President to confer brevet rank on officers "who shall have served ten years in any one grade." The brevet of captain under this act was conferred on Lieutenant Vinton, June 30, 1834, to take rank from September 30, 1829, when he completed his ten years' service, and in the meantime he had exercised the command of captain. The whole reasoning of the court proceeds on the assumption, that unless Captain Vinton was considered to have been a captain from and after the date of his rank, as fully as if the commission had been issued on that day, they would "reject the words of the instrument or deny them any meaning." This is an error into which civilians generally fall in treating of this subject. The court does not seem to have been aware of the importance of the fact, that giving date to rank is, under certain circumstances, a mode of regulating command and precedence among officers of the same grade; that the words in question conferred on Captain Vinton a contingent right to command all officers of the other corps of the same grade whose rank bore a subsequent date, even although their commissions bore a prior date, and that to give a rank a date anterior to the commission was the only mode of attaining that object.

The counsel of the United States took an appeal; but Mr. Poinsett, Secretary of War, had it dismissed, and acquiesced in the judgment on the ground that "the brevet officers who claim their rank in virtue of the law giving that grade to an officer for ten years' service could not be deprived of that right by any act of the Senate," (in failing to confirm nominations.)

Vinton's case has been since generally regarded as settling

that brevetted officers may claim to have been on duty and to have had command according to their brevets for any period subsequent to the date of their brevet rank, though anterior to that of their brevet commission—in other words, to have been in command according to their commissions, which they did not hold at the time. In the case now under consideration, we are asked to go a step further, and admit that an officer of the army was on duty and had command according to a grade which not only he did not hold, but which did not exist in our service. If this be conceded, then the question arises, what would be the appropriate command of a lieutenant general in our service? There are three modes of solving this question: first, by reference to the practice in the service of other countries; second, by extending by analogy the laws determining command in the lower grades; third, by reference to the law which established the grade and described the command of lieutenant general in our service. If either of the first two modes be adopted, the command of General Scott within the period he claims for would be found equal to that of a lieutenant general. I am of opinion, however, that if the resolution of February 15, 1855, refers us to the act of 1798 for the pay of lieutenant general, it also refers us to it for his command. The act of 1798 is as determinate on the subject of the command as it is with regard to rank and pay of the lieutenant general, and it indicates as his appropriate command "the armies of the United States." It is doubtful whether General Scott, at any time, had such a command. From the date of his brevet rank to the conclusion of the war with Mexico, there were several armies in the enemy's country, each under the immediate command of an officer over whom General Scott exercised no control. After the conclusion of the war our army was reduced to the peace establishment, and I am of opinion that our peace establishment is not the appropriate command of a lieutenant general. The laws fixing the peace establishment must be understood to provide officers for all commands; those combinations which admit of the exercise of brevet rank are exceptional. To admit that any officer having the command intended for him according to the legal organization of the army, has a command higher than the rank assigned him in that organization, would be to discard every legal consideration upon which reason could rest in determining questions of rank and command. If it is contended that the appropriate command of an officer in our service is not the command which is given him under the organic laws of our military establishment but the command which he would have in some

foreign service, I think such pretensions need only to be stated in order to work their own refutation.

Should, however, the propositions to which these objections are presented be admitted, the third branch of the subject to be considered is the mode of computing the pay. And here the question is presented, whether General Scott must take the pay of lieutenant general in lieu of that of major general; or whether, as the compensation of either rank is composed of various items, he shall be allowed to select the largest of each; whether, in his own words, he can claim "the higher pay and the higher emoluments of the two grades," or whether he must be restricted to the pay and emoluments of one? I will only say that, in my opinion, all his pay and allowances must be computed according to one grade or the other, and that he cannot, for the same time, draw allowances from both.

In the computation of pay no difficulty arises: the pay of the lieutenant general was fixed at $250 per month; that of the major general was less.

The rations of the lieutenant general were fixed at forty per day. General Scott claims that these must be doubled under the act of August 23, 1842, allowing double rations to the major general commanding the army. This claim is not, in my opinion, warranted by law.

By the act of March 3, 1797, double rations were allowed to the brigadier general "while commander-in-chief." His rations, which were twelve daily, were then increased to twenty-four. By regulation, and subsequently by the act of August 23, 1842, the rations of the "major general commanding the army" were doubled; his allowance, which was fifteen daily, was thus increased to thirty. The original rates for those officers were fixed by law when they were not commanding the army—that for the brigadier general when he was subordinate to a major general, and that for the major general when there were several of that rank, neither of whom commanded the whole army. When the brigadier general and the major general successively came into command of the army, their rations, which had not been fixed in contemplation of that event, were increased to meet the unforeseen case which had thus arisen. On the other hand, the lieutenant general was at once placed by law and his commission in command of the army, and all his allowances were fixed in view of that fact. If the rations of the lieutenant general were increased as claimed, the commutation would alone amount to nearly twice the monthly pay.

A question may be here stated, which bears upon this item

as well as upon others; that is, whether the pay provisions of the act of 1798 are modified by the general laws passed subsequently to its date and prior to February 15, 1855; or whether the act is to be considered to take effect at the latter date, and thus be unaffected by the general provisions referred to? If the provisions never were repealed, they would, of course, be modified by subsequent laws on the same subject: but if they were repealed, whether, while in a state of repeal, they would be affected by modifying acts, and on being revived would be subject to those modifications, or whether the revival is equivalent to a new enactment, are questions which are respectfully submitted. By the act of 1798, the lieutenant general was to have forty rations in kind, or commutation at the current price. The act of January 11, 1812, fixed the commutation of all officers' rations at 20 cents for each ration. General Scott claims the commutation fixed by this act, not that prescribed in the act of 1798.

The decision of this question will particularly affect the claim for forage. By the act of 1798 the lieutenant general was allowed $50 monthly for forage. By the act of July 22, 1813, the system of granting gross sums for forage was changed, and each officer was allowed $8 per month for each horse to which he was entitled. The act of March 3, 1845, restricted the allowance in time of peace, to general officers, to forage, or money in lieu thereof, for three horses, to be actually owned and kept in service; the commutation for these would be $24 per month. In time of war the number of horses is prescribed by regulation, which allows seven to a major general; for these the commutation at the legal rate would amount to $56 per month. General Scott claims $56 per month in time of war, under the regulations, and $50 in time of peace, under the act of 1798, considering the restriction in the act of March 3, 1845, inapplicable.

The same question arises in regard to the allowance for servants. The act of 1798 made no allowance for servants; it is urged that this omission was in consequence of the practice, which then prevailed, of employing soldiers in that capacity. This practice was forbidden by the act of March 30, 1814, which fixed the number of servants for the different grades, and allowed to the officers employing them the pay, &c., of a private for each. The number of servants for a lieutenant general is not specified by the act. General Scott claims for four, as allowed to a major general, and requests that a regulation be made allowing him five. I submit the question as involving the executive power to allow by regulation in the matter what the law has failed to provide.

The following tables will exhibit a succinct view of this subject:

1st. Pay and emoluments of lieutenant general as fixed by act of May 28, 1798.

Pay per month	$250
Forage	50
Rations per day at current price, say 20 cents	240
	540

2d. Pay and emoluments of lieutenant general as fixed by the act of 1798, if modified by subsequent general provisions of law.

	In time of war.	In time of peace.
Monthly pay	$250	$250
Forage	50	24
Rations, 40 per day, at 20 cents	.....	240
If commanding a separate army in the field	480	.....
Servants not provided for	.....	.....
	780	514

3. Pay and emoluments claimed by General Scott.

	In time of war.	In time of peace.
Pay of lieutenant general per month	$250	$250
Forage in time of war as major general, by regulation	56	.....
Forage in time of peace as lieutenant general, by act of May, 28, 1798	.....	50
Rations, 40 per day, doubled as major general commanding the army, at 20 cents	480	480
Servants, four, as major general, per act March 30, 1814	78	78
	864	858

General Scott has also applied for an increase of allowance of fuel and quarters. This being a matter of regulation, and involving no question of legal difficulty, can be fixed or varied at the discretion of the Executive.

Very respectfully, your obedient servant,

JEFF'N DAVIS,
Secretary of War.

To the PRESIDENT.

Jefferson Davis to B. F. Larned.[1]

(From Letter Books Secretary of War Old Records Division, War Department.)

War Department
October 29' 1855

Colonel B. F. Larned,
Paymaster General
Sir

The claim of Brevet Lieut. General Scott for pay and allowances according to his brevet rank having been submitted to the President, the enclosed is a copy of his decision in the case.

The papers referred by you to this Department are herewith returned.

Very respectfully, Your Obt Servt
JEFFN DAVIS
Secretary of War

Franklin Pierce to Jefferson Davis.

(From Senate Ex. Doc. No. 34, 34th Congress, 3d Session.)

WASHINGTON, *October* 29, 1855.

SIR: I return herewith the various papers submitted to me on the 12th instant, for my decision in relation to the claim of Brevet Lieutenant General Scott for pay and allowances under the resolution of February 15, 1855. In the adjustment of the account, let it be assumed that, so far as pay and emoluments are concerned, the 5th section of the act of May 28, 1798, either was never repealed, (though it may have been modified,) or, if repealed, was revived by the resolution of February 15, 1855, and is now in force.

2d. That the resolution is retroactive in its operation.

3. The extent and manner of its operation are to be determined by the "mode already provided for in subordinate grades;" in other words, "by extending by analogy the laws determining command in the lower grades." Brevet Lieutenant General Scott is therefore entitled to the pay and allowances of his brevet rank since March 29, 1847, during such period in time of peace as he may have been on duty as commanding general of the army, and at all times when on service in the field with a command of not less than eight regiments.

[1] Gallant officer of the War of 1812, paymaster-general with the rank of colonel, July 20, 1854; died in 1862.

4th. Brevet Lieutenant General Scott's pay and allowances must be computed for one grade. He cannot at the same time draw allowances for two.

5th. If the provision of the fifth section was never repealed, it remained on the statute-book subject to amendatory provisions; if, having been repealed, it was revived by the resolution of February, 1855, any amendatory or explanatory provisions would attach to it. Two statutes apply to the case—that of July 22, 1813, and that of March 3, 1845.

The phrase "all officers," and that of "general officers," in the laws last referred to, each include a lieutenant general by universality, and they modify the pre-existing law as to his forage, whether that law be taken as now in force by non-repeal, or by revival. Therefore, in time of peace he is limited to twenty-four dollars per month for forage.

6th. The number of horses for which a general officer may draw forage during service in the field is not fixed by statute, but by regulation. In relation to a lieutenant general there is no regulation; but for the present, and for this case, I establish the number at seven.

7th. As to rations, the act of 1798 allows forty per day, "or money in lieu thereof, at the current price."

"Current price" means the price at the time the claim of allowance arises, and that during the period in question was twenty cents per ration by statute.

No existing statute makes any provision for the allowance of double rations in this case; no existing regulation authorizes it, and I make none. The act of 1842, coupled with that of 1797 and that of March, 1802, it is obvious, from a careful examination, does not tend to modify or change this result, which, consequently, will be two hundred and forty dollars per month for rations.

8th. Nothing is said as to servants in the act of 1798. At that time this must have been the subject of regulation, and the lieutenant general would have been entitled to such a number as might be prescribed by the War Department in virtue of subsisting acts of Congress.—(Opinion of Attorney General Wirt, June 30, 1831.) The power of the President to make regulations upon the subject, in the absence of any statutes, and the validity of any such regulations so made by him, are expressly recognised by the act approved July 6, 1812. When by the act of 1816 officers were forbidden to employ soldiers as servants, four waiters were allowed to a major general.

The archives of the War Department are known to be im-

perfect, in consequence of destruction by fire; but even if the records do not show what number of servants the lieutenant general was entitled to, it is just to presume, in the absence of such evidence, that the number could not have been less than that afterwards allowed to a major general by statute, and I therefore establish that as the number to be recognised in this case. The power to establish such a regulation is not only clearly implied in the act of 1812, above referred to, but also in the act approved April 24, 1816.

9th. As to fuel and quarters, I do not propose to make any decision at present, other than to direct that the accounts of Brevet Lieutenant General Scott, in that respect, be settled upon the existing law and regulations fixing the pay and emoluments of a major general.

FRANKLIN PIERCE.

Hon. JEFFERSON DAVIS,

Secretary of War, Washington, D. C.

[Endorsement.]

To be filed in the War Office, and a copy to be furnished to the Paymaster General. The opinion of the Department, as heretofore expressed, remains unchanged. See files of the office.

JEFF'N DAVIS,
Secretary of War.

OCTOBER 29, 1855.

Charles A. Davis[1] *(Major Jack Downing) to Jefferson Davis.*

(From the Library of Congress. Manuscripts Division.)

Unofficial

New York 31 Oct^{r} 1855.

My D^{r} Sir—

I beg to ask you to allow my motive to plead my apology for thus troubling you on a matter of more moment to myself than any body else.

I have from time to time of late been ask'd by sundry friends if I was the writer of letters which occasionally appear having the signature of one "Major Downing"—some of which I understand contain under the garb of humour some attempts to ridicule the measures of Gov't—it so happens that none of

[1] 1795-1867. Merchant of New York of strong literary and philosophical tastes.

these fabrications have fallen in my way and the only information I have of them is as above stated.—Now I owe it in frankness to say that at the period of the great "Bank War" between Gen'l Jackson & Mr Biddle—I did take a hand in that fight under the signature of the Major—and again after an interval—I resumed that Signature in favor of Genl Taylor for the Presidency,—since that period I have never written a letter or line under any signature *but my own*—hence whatever of good or evil may belong to the present letters bearing this assumed name—I am neither *directly* or *indirectly* a party —no one who knows me personally—or with whom I am on terms of intimacy wd believe for a moment I wd countenance or be a party to any publication that contains the remotest censure or complaint against the present administration or any member composing it—for my sentiments are well known to all about me on that point—on the contrary it has been and is my pride & pleasure (in not a limited correspondence at Home and abroad) to express myself very clearly and freely in opposition to a *wanton* and *partizan* abuse which our public prints contain—In saying thus much I am free to admit that I have not felt entire approval of some measures—but not knowing all the circumstances I was not sure I wd have done otherwise myself, and therefore when I could not fully approve I remained silent.

I have long since ceas'd to be a party man, & thereby have become *more intensely national*—I am apt to believe that in the multiplicity of party divisions of late a great mass of dangerous "*Isms*" will be Shuffled out & given to the winds—and a sound *National democracy* prevail—as for this black republican party and *all its branches*—which look to a disturbance of our Southern institutions—I regard them as I do mosquitoes in the dark—it seems worse than idle to slap or snatch at them—the only way to get rid of their annoyance is to let them *alight* & as soon as they dare to *bite*—then one knows their exact *whereabouts*—& one good Slap—puts an end to them for ever—

I will not however impose on your time and patience by a political disquisition I will conclude by simply saying that as my name was once associated with the authorship of Certain Letters I only beg to assure you as I have already done that I am not the author of late ones and it is because I have a personal regard and respect for all the members of the present administration who I have the honor to know—that I feel unwilling to be regarded as an anonymous hostile writer—no

matter how *feeble* or *potent* such a writer may be—and moreover I have some pride of *name*.—& it w[d] require much to make me believe that any man by the name of Davis can do wrong *intentionally*—unless he assumed it as an *alias*—to escape Censure.—Please allow me to escape your censure for thus familiarly addressing you on a matter purely of interest to myself—& permit me to subscribe myself your friend & obt St

CH: AUG. DAVIS

To
Honb Jefferson Davis
&c &c &c

J. H. Van Evrie[1] *to Jefferson Davis.*

(From the Library of Congress. Manuscripts Division.)

New York 2[nd] Nov. 1855

Dear Sir,

May I trespass on your time a moment to say just this. The slavery question *must be understood* at the North or the Administration and the Democracy will all go down together in 1856. The Canvass in this State is now actually conducted on the assumption that *the Democracy are opposed to slavery in the Territories* and the success of either Van Buren or Seward will be claimed as such a decision: thus next year we must go to work to *undo* all that Van Buren and his orators & organs are doing *now*. Nor is this all three fourths of the office holders & employees of the Federal Govt in this city are either neutral or openly helping on this deplorable delusion and not only leaving the administration without a party in this State but so utterly bedevilling the popular mind that it will take years to recover from it. All this may be Counteracted—the New York Day Book talks right out on this Subject—it explains this thing to the people—it Shows that negro slavery is right—above all it shows that the South must have the same recognized right to occupy the Territories that the North has—and thus enlightening the people, will settle the quesion as it only Can be settled for it is utter folly to talk about Squatter Sovereignty as long as the people are kept in ignorance of the subject. But this paper must be Sustained—the Office holders who are fattening on the patronage of the Party must be made to help save the party—to assist in Enlightening the Masses. Will you think of this? A paper *the only paper* in the North that explains

[1] Editor, 17 Annh. 48 Murray (N. Y. City Directory, 1857).

this matter to the people—that is fighting the battle against Northern delusion and thus saving the Dem[a] party—is left by these mercenary & soulless devils to get along as it may while they who reap all the benefit & fatten on the patronage of the party ar[e] either doing nothing or Secretly assisting its overthrow and destruction. The Dem[a] party has opened the Territories to the South as to the North. *Why* it has done so must be Explained to the people or next year it will be defeated worse than the Whigs of 1852 Now an intimation from head quarters that the office holders here must sustain the day Book will be sufficient—each of these soulless beings *Compelled* to Support the paper for the next six months will Enable it to get fairly before the people and save to them that very plunder and "spoils which alone makes them Democrats.

For myself I ask nothing. I am even writing the Editorials of the Day Book Con Amore. I have no interest whatever in it nor expect to have any. I hope soon to get my work out and the necessities [?] of Country will Compel the people to read it and to Comprehend the Stupendous delusion that afflicts it

But I repeat this paper must be sustained, these brigands of party the office holders must be compelled to help enlighten the people—a slight intimation from their Masters at Head Quarters will do the business—the principles of the party Can thus be preserved and its success rendered probable next year.

With high respect

J. H. Van Evrie

P. S. I sent you a paper with an article
headed free soil Secessions Compeer
please to look it over

Franklin Pierce to Jefferson Davis.

(From Senate Ex. Doc. No. 34, 34th Congress, 3d Session.)

Washington, *November* 3, 1855.

My Dear Sir: When I received Brevet Lieutenant General Scott's letter of September 29, sent by you several days since, it was laid aside to await a more convenient time for perusal, and that time did not arrive till this morning. The reference of General Scott to a note addressed to me February 8, 1855, led me to examine my files, as I had no recollection of having sent the letter to your department. That letter, (dated on the 9th instead of the 8th of February,) and also yours upon the same subject, of November 24, 1854, with enclosures, and my

endorsement thereon, were found upon my files. You will receive them herewith, and also a memorandum from General Scott relating to the same matter, which he may have expected me to place with the other papers upon the files of the War Departments. In the memorandum, (dated December 9, 1854,) General S. states "two grounds" on which he had learned that I hesitated "to allow the five per centum commission." It is proper to remark, that he had been misinformed or misapprehended my position. The grounds stated were not those indicated by me; although the fact that he had himself, in November, 1848, fixed three and a half as the per centum which he might properly receive, and that his account was submitted and a balance struck upon that basis was the subject of conversation between us.

Yours, &c.,
FRANKLIN PIERCE.

Hon. J. DAVIS,
Secretary of War.

Jefferson Davis to Franklin Pierce.

(From Senate Ex. Doc. No. 34, 34th Congress, 3d Session.)

NOVEMBER 7, 1855.

DEAR SIR: Your decision on the claim of General Scott to per centage allowance on receipts and disbursements in Mexico, received at this office on the 5th instant, is conclusive against the claim for five per cent.; is it to be understood as a decision against any other rate of allowance?

Very respectfully, and truly,
JEFF'N DAVIS.

To the PRESIDENT.

Jefferson Davis to A. O. P. Nicholson

(From New York Historical Society.)

Private,
Hon. A. O. P. Nicholson

Dr Sir, The Intelligencer of this morning assumes that "the article" in the Union of the preceding day was from the Department of War. You know this to be untrue but you may not know that the article does not present my view of the case or such a statement of my action as I would make were I to write on my own defence.

The Intelligencer adds another to his former errors in stating

that the opinion of the Attorney Genl. was on *the requisition of the President*, and it is charitable to believe it an error after all that has been said in reference to the manner in which the Secty of War called for that opinion.

To express a desire for a copy of the state(ment) which the Secty of War sent with the letters of Genl. Scott in support of his claim, being the view of a Govt. officer on a claim which came properly before him, must be a feint on the part of the Intelligencer, as being aware that their correspondent Genl. Scott has long since been furnished with a copy it could not be difficult to get a sight of the paper.

Very truly yours,

JEFFN: DAVIS

8th Nov. 1855 1855

H. J. Harris[1] *to Jefferson Davis.*

(From the Library of Congress. Manuscripts Division.)

Vicksburg, Novr. 10th, 1855.

Dear Sir:

The election has not terminated as favorably for our part as we anticipated. We have lost this district, I presume, though the reports are conflicting. Lake's success is a great calamity to the South. I have serious thoughts of returning to Indiana, where the people, unlike the majority in this district, are sound on the slavery question. We have our State ticket by the majority of 1853—four Congressmen, and the Legislature by an increased vote.

Wherever Brown canvassed, we have lost largely. Publicly, he was for us—privately, against us. He is a traitor.

Quitman has made a slow race. His majority will be too small to be regarded as complimentary.

Since Lake is to represent us in Congress, my desire to leave this town has sprung up afresh. I would like to go to Havana. Will you say so to the President? I am satisfied it is the best thing I could do. The recurrence of the epidemic, for the third time, has nearly ruined all kinds of business here. I fear the legal profession will not make expenses.

Will you write to me on this subject?

Yours truly,

Col. Jefferson Davis, H. J. HARRIS.

Washington,

D. C.

[1] Lawyer and politician of Vicksburg.

Franklin Pierce to Jefferson Davis.

(From Senate Ex. Doc. No. 34, 34th Congress, 3d Session.)

WASHINGTON, *November* 12, 1855.

MY DEAR SIR: The decision to which you refer in your note of the 7th instant applies solely to the question presented upon the claim of 5 per cent. The only authority conferred upon me in the premises is comprised in the last paragraph of the second section of the act of March 3, 1849.

My "opinion" could only operate upon a fund *retained*, and my impression was that General Scott, at the time of his claim of five per cent. was presented, had not retained a sum sufficient to meet it. I do not recollect the precise state of his account; but, if you will inform me what sum he did *retain*, I will make the order necessary for the settlement of his account.

Yours, &c., &c.,

FRANKLIN PIERCE.

Hon. JEFFERSON DAVIS,
Secretary of War, Washington, D. C.

H. J. Harris to Jefferson Davis.

(From the Library of Congress. Manuscripts Division.)

Vicksburg, Novr. 13th, 1855.

Dear Sir:

Lake is undoubtedly elected—a Wilmot Proviso man will represent this district in Congress. Is not this enough to disgust every true friend of the South?

"In what particular thought to work, I know not;
But in the gross and scope of mine opinion
This bodes some strange eruption to our State."

So my namesake said, many years ago—the ghost of the murdered Dane was far less portentous than the appearance of William A. Lake in Congress.

"Before my God, I might not this believe,
Without the sensible and true avouch
Of mine own eyes."

I am done with politics. You can rely upon *that.*

My position here is exceedingly unpleasant. It was sufficiently so before—it is much more so now. What I said to you the other day, I repeat: I am anxious to go to Havana. If you can, with propriety, ask the President to give me the consulate to that place, I will thank you. You will do me a service for which I shall ever be truly grateful.

There can be no doubt that Brown's pernicious influence defeated Singleton.

I am yours truly,

H. J. HARRIS.

Col. Jefferson Davis,
Washington,
D. C.

[Endorsed: H. J. Harris]

Jefferson Davis to Second Comptroller.

(From Letter Books Secretary of War Old Records Division, War Department.)

War Department
Washington Nov 16. 1855

To the Second Comptroller,
Sir

I herewith enclose an order of the President, authorizing General Winfield Scott to retain the sum of six thousand one hundred and forty nine dollars and eighty six cents ($6149 $^{86}/_{100}$) being the amount remaining in his hands, according to his account of moneys received by him in Mexico, arising from military contributions or otherwise; in order that the said sum may be passed to his credit on the books of the Treasury, according to the provisions of the Act approved March 3d 1849.

Very respectfully, Your Obt Servt

JEFFN DAVIS
Secretary of War.

Memorandum respecting General Scott's accounts of moneys received and disbursed by him in Mexico.

Money remitted to him from the Treasury, Nov 1846		$ 30,000.00
Military contributions charged, per order to the 2d Comptroller Feby 16. 1850 MB 30 p 57	$ 11,791.19	
Comptroller charged per order to the 2d Comptroller May 22d 1854 MB 35 p 334	215,569.44	
Comptroller charged per order to the 2d Comptroller Nov. 16. 1855. MB 37 p. 241	2,650.40	
Total Military Contributions		230,011.03
Total charged to General Scott		$260,011.03

Vouchers for money turned over to other Officers, sent to the 2d Comptroller Feby 16. 1850. MB 30 p 57..	11,791.19	
Vouchers sent to 2d Comptroller May 22d 1854 MB 35 p 242.....	117,126.97	
Vouchers sent to 2d Comptroller Nov. 16. 1855 MB 37 p 242.....	72,978.50	
Total transfers made		201,896.66
Expenditures admitted BB c/5440 May 22d 1854	23,814.05	
Expenditures admitted BB 5/7442 Nov 16 1855	28,150.46	
Total Expenditures		51,964.51
Amount retained by authority of the President, Nov 16 1855 MB 37 p 243		6,149.86
Total amount accounted for by Genl Scott		$260,011.03

Jefferson Davis to Franklin Pierce.

(From Senate Ex. Doc. No. 1, 33d Congress, 1st Session.)

Report of the Secretary of War.

WAR DEPARTMENT,
Washington, December 3, 1855.

SIR: I have the honor to submit the following report of the operations of the army for the past year, and to lay before you the reports of the heads of the several bureaux of the War Department, and communications from other officers of the army.

The authorized strength of the army (as now posted) is 17,867 officers and men; but the accompanying tables, prepared in the Adjutant General's office, show that, at the date of the latest returns, the actual strength was 15,752. The recruiting service is now progressing satisfactorily, however, and it is believed that in a few months the disparity between the authorized and actual strength of the army, 2,115, will be nearly overcome. The number of enlistments made during the twelve months ending September 30, was 10,546. The number of persons offering to enlist, and who were refused on account of minority and unfitness for service, was 20,522. The number of casualties in the

army, by deaths, discharges, and desertions, during the same period, was 5,500.

The very numerous applications for the discharge of minors, so many of which have succeeded within the past year, renders necessary that some steps should be taken to check the growing evil, and the serious expense to which the government is thereby subjected. The regulations are sufficiently stringent on the subject of the enlistment of minors; but recruiting officers are frequently deceived by the appearance of the recruit, and the false representations respecting his true age. In cases where deceptions of this character have been practised, the contract should be considered binding, or the recruit should be required, at the time of enlisting, to swear that he is either of full age, or, being a minor, that he has neither parent nor guardian. A modification, to this extent, of the existing law respecting the discharge of minors, (5th section of the act of September 28, 1850,) would, it is believed, lessen the impositions which are now practised, and protect the government from no inconsiderable loss.

The general distribution of the troops remains, for the most part, as indicated in the last annual report. Among the changes of most importance are the following: The four additional regiments authorized by the act of March 3, 1855, have been recruited and organized. Seven companies of the 1st cavalry have recently returned from an expedition into the Sioux country, and the regiment will winter at Fort Leavenworth, where it will be in position for ulterior operations in the spring. The 2d cavalry has been sent to the department of Texas, to replace the six companies of the 2d dragoons transferred to the department of the West. The 9th infantry, (riflemen,) designed for service in the department of the Pacific, has been embodied at Fort Monroe, and held under instruction preparatory to a campaign which it was proposed it should undertake as soon as the season would permit, through the Indians on the headwaters of the Missouri and tributaries of the Columbia river, from which exhibition of our power among those remote tribes it was expected a beneficial influence over them would result. But, in accordance with the necessity communicated by a letter from Gen. Wood, commanding the department of the Pacific, dated November 3, and this day received at the War Department, that regiment will be diverted from the proposed campaign by the overland route, and be despatched, with the least delay, by way of the Isthmus, to reinforce the command engaged in the suppression of Indian hostilities in Oregon.

The 10th infantry, (riflemen) with the exception of one company attached to the Sioux expedition, has been ordered to the military stations on the Upper Mississippi. A portion of this regiment, when the season admits, will be employed to establish a post on the Red river of the North, near the northern boundary of Minnesota, agreeably to an act passed at the last session of Congress, appropriating $5,000, a sum altogether inadequate for that object. Six companies of the 2d infantry have taken post at Fort Pierre, on the Upper Missouri. Continued Indian difficulties on the Oregon route have rendered it necessary to retain in the department of the West the 6th infantry, which regiment it was contemplated to send to the Pacific coast.

Efforts are still in progress for the removal of the remnant of the Seminole tribe from Florida. The troops there have been kept actively employed in exploring the country by land and water, and in opening roads. By these means much important information respecting the territory in possession of the Indians has been gained, which will greatly facilitate future operations. All intercourse with these Indians has been strictly prohibited, and it is believed that they have not in any instance passed the line of observation occupied by the troops.

In the departments of the West, Texas, New Mexico, and the Pacific, Indian hostilities have been of frequent occurrence.

For the purpose of chastising the Sioux Indians implicated in the massacre of a detachment of United States troops in August of last year, and to protect from Indian incursions the western frontiers of Nebraska and Kansas, and the emigrant routes leading from the Missouri river to the west, a military force was sent into the country inhabited by the Sioux late in the summer, under the command of Brevet Brigadier General Harney. On the 3d of September, that officer, with a portion of his command, engaged a party of the Brulé band of the Sioux nation, and after a short conflict, completely routed them. Eighty-six Indians were killed, and a large number taken prisoners. The papers and property captured, leave no doubt that this band was concerned in the massacre of the detachment above referred to, as well as in the murders and depredations committed upon emigrants, and in the robbery of the public mail.

In the departments of Texas, New Mexico, and the Pacific, military expeditions have been sent against the Indians guilty of outrages upon the persons and property of the frontier inhabitants and emigrants within those sections of country, and in several cases summary punishment has been inflicted by the troops upon the offending tribes.

The details of these operations will be found in the papers accompanying this report.

The mail steamer just arrived at New York has brought advices from the department of the Pacific to November 5, by which I regret to learn that Indian hostilities of a much more serious character than the difficulties in that department referred to above, or than, from the official reports previously received, there had been reason to apprehend, have occurred in the Territories of Oregon and Washington. The letters of the governor of the Territory, of October 24, and of the commanding general of the department of the Pacific, of November 3, of which copies are herewith submitted, furnish the only official information on the subject in the possession of this department. It will be perceived that, to meet the emergency, the governor has ordered out a mounted volunteer force of seventeen companies, or about 1,200 men.

The department, at this distance, and in the absence of more definite information, especially in regard to the extent of the combination among the hostile tribes, cannot judge what volunteer reinforcements to the regular troops may be necessary. This is a matter which must be necessarily left to the military commander in the department of the Pacific, who has repaired to the theatre of hostilities. His presence there will obviate difficulties which might otherwise arise on the subject of rank and command between officers of the volunteers and regular forces.

The alacrity with which the volunteers have responded to the call of Governor Curry, gives assurance that their aid will be as efficient as it has been prompt; and it is hoped that their continuance in the military service, to the great interruption of their ordinary pursuits, will be limited to the shortest possible duration, by the arrival of reinforcements which have been ordered to the regular troops of that department.

From a recent report of the commanding general of the department of New Mexico, it appears that all the Indian tribes within his command have concluded treaties with the governor of the Territory, and retired to the limits assigned them.

Service in Indian campaigns, though little calculated to excite the military ardor of the soldier, is attended by equal hazard, and even by greater privation than belongs to warfare with a civilized foe. The gallantry, zeal, and devotion of both officers and men have been repeatedly, within the last year, put to the severest test, and they have, on all such occasions, equalled the anticipations which past conduct warranted, and have renewed

their claim to the gratitude of those whose flag they bear, and in whose service they have suffered.

The unusual extent of the operations above detailed has necessarily caused large expenditures, which must exceed the appropriations made for the ordinary wants of the military service; an incident to which appropriations made upon estimates prepared so long in advance are always subject.

My attention has recently been called to the practice, in the settlement of accounts at the treasury, of charging sums due in past years to the current appropriations. It is deemed preferable that the settlement of old accounts should be provided for by appropriations for arrearages, and that the practice above referred to be checked; since, so long as it prevails, the appropriations for current expenses must prove insufficient, and deficiency bills be the necessary consequence.

In my last report I suggested several measures which I deemed necessary to preserve and increase the efficiency of the army.

The principal of these was a revision of the laws regulating rank and command, and those fixing the organization of the army. In relation to the evils then shown to be inherent in the present system, I need only say that additional experience has demonstrated their existence more clearly, while it has given no reason to distrust the advantages which were hoped from the changes indicated. That the right of command should follow rank by one certain and determinate rule; that officers who hold commissions which entitle them to the command of troops should not, at an early period of service, be placed permanently in positions on the staff which afford no opportunity for increasing military knowledge, or confirming military habits; that troops organized, equipped, and necessarily employed for the same service, should not be divided into different arms; that those serving on foot with regimental organization, and bearing muskets or rifles, should not be divided into artillery and infantry, nor mounted men, armed and equipped alike, be divided into dragoons and cavalry; that engineers should not be divided into two corps, with a nominal distinction of engineers and topographical engineers, though their acquirements, capability, and duties are so entirely alike, that it has been found necessary to adopt an arbitrary rule assigning to each a part of the duties of both;—these propositions are the basis of the principal recommendations submitted in my last report. They appear too clear to me to need to be enforced by argument, and I hope that the evils which the bare statement of the facts expose will not be

suffered to exist after the subject shall have secured the con siderable attention of Congress.

A measure scarcely inferior in importance to those which relate to rank, command, and organization, is that which has in view to increase the efficiency of the army by retiring from active service those officers who are no longer capable of fulfilling its requirements; but as their profession affords little opportunity for attention to personal interests, and as the very low rate of compensation allowed for their services indicates that it was fixed in connexion with the idea of a permanent tenure, it would scarcely seem to be just abruptly to discharge them without any provision for the future. Nor would such course be consistent with the gratitude due to those who, amid the dangers and privations of military life, have been disabled by many years of faithful service, or by wounds received in battle. As, however, the claims of individuals must always be subservient to the public good, so nothing can justify a system which retains men in office for which they have become disqualified. When age, wounds, or other casualties of service have stripped an officer of the power to discharge the duties of a station which in earlier life he adorned, a just consideration for his own fame, and a due regard for the public welfare, demand that he should give place to one whose mental and physical activity is equal to the station, and who, stimulated by early promotion, would not fail to emulate the honorable fame of him whom he succeeds.

As one of the recommendations intimately connected with this subject, I have to renew that made in my former reports for an increase of the compensation of army officers, and a revision of the laws respecting their allowances.

That this measure has failed heretofore to secure the attention which is, in my opinion, due to it, I attribute to the misconceptions which are general, as to the amount of the pay and emoluments of a great majority of officers in active service. In the present condition of the laws regulating the pay and allowances of officers, some may, under certain circumstances, receive much larger allowances than others, and indeed more than the nature of the service justifies; and these, which are but exceptional cases, have given rise to a general impression that the compensation of the officers is much higher than it actually is. Perhaps the error would have been less prevalent were it not that their compensation is made up of many items, which vary according to circumstances, and render it difficult to compute the amount in all cases with certainty; but whenever the sub-

ject shall be fully considered, the results will, I am confident, show that the officers of the army are, on the average, less liberally compensated than those who pursue any other occupation demanding equal capacity and acquirements.

I also renew the recommendation that the provisions of the act of August 4, 1854, increasing the pay of the rank and file of the army, be extended to all enlisted men, some few of whom are, by the military signification of the words used in that statute, excluded from the benefits that were probably intended for all who come under military obligations by enlistment.

I commend to consideration the representations of the Surgeon General respecting the necessity for an increase of the medical corps. Such increase is required in consequence of the subdivision of our troops; and as the want of medical officers renders necessary the employment of citizen physicians, often at a higher compensation than that of a surgeon of the army, the new appointments would be attended with no additional expense. I therefore recommend the adoption of the measure.

I concur with the Quartermaster General in recommending the addition of five military storekeepers to his department. At present there is but a single depot of clothing and camp and garrison equipage; and as the supplies for the whole army have to be despatched therefrom to each company, the distribution can only be made at long intervals, and consequently in large quantities, so that the companies are embarrassed in their movements, and the expense of transportation is increased by the large amount of stores which they have to take with them. With five depots, properly located, the distribution could be made more frequently, and in small quantities; the troops would thus be less encumbered with baggage, and the expense of their movements would be diminished.

By the seventh section of an act in addition to the several acts for the establishment and regulation of the Treasury, War and Navy Departments, approved May 1, 1820, it is provided that no land shall be purchased on account of the United States, except under a law authorizing such purchase. Although the steady progress of our frontier westward, and the advance of our military posts with it, has rendered it frequently necessary to abandon old sites and occupy new ones, the prohibition to purchase land has not until recently been the cause of much embarrassment, since the troops were operating in territories where nearly all the land was already the property of the government. In Texas, however, the case is different; there, this government owns no land except such as it may have acquired

by purchase for specific objects, and the greater number of our military posts stand upon the property of private persons or of the State. Embarrassments have arisen from this cause, and I have therefore to recommend that the act above cited be so amended as to permit this department, under such limitations as Congress may deem proper, to purchase such land as may be required for the sites of military posts.

I have again to ask attention to the necessity of legislation to authorize this department to sell useless military sites. Two statutes have been enacted for this purpose, but neither, according to the contemporaneous construction given them, is applicable to the largest class of cases that now embarrasses the department. According to that construction, the act of March 3, 1819, (3 Stat., 520) applies only to sites then in the possession of the United States, and that of April 28, 1828, (4 Stat., 264) applies only to lands conveyed to the United States for military purposes, neither including reservations from the public domain which were not occupied as military sites on the 3d of March, 1819. Owing to this omission, when the troops find it necessary to abandon a post of this description, the department cannot sell the land upon which the buildings and improvements of the abandoned post are located, but can only sell the buildings, to be torn down and removed, and of course the price obtained bears no proportion to their value. I hope that authority will be given the department, in such cases, to sell a portion of the land with the buildings, and use the proceeds for the establishment of new posts in such advanced positions as it may be necessary for the troops to occupy.

In transmitting the annual report of the Board of Commissioners of the Military Asylum for the past year, I take occasion to transmit also their reports for three preceding years, which were made annually to this department, pursuant to regulations, but which have not been heretofore forwarded.

The view which these reports give of the results of the institution, does not fulfil the anticipations which were entertained at the time of its establishment. Although early means were taken to give notice of their right to all entitled to the benefits of the asylum, by orders published to the army, and by hand-bills sent to every post office in the United States, yet the aggregate number of inmates of the several branches of the asylum was, at the dates of the respective annual reports, 50, 73, 77, and 87; in addition to the last number, six men having families were receiving relief, without being quartered at the asylum. In the mean time, the treasurer's accounts show that

the net receipts were $490,140 17; that the cost of sites, buildings, furniture, stock, &c., was $280,183 75; and that the amount of current expenses was $91,314 19. If to the current expenses of the several branches there be added interest on the cost of buildings, &c., the average cost of maintaining each inmate will be found to exceed $500; an expense so great as to indicate the propriety of seeking some proper mode of effecting a reduction.

The buildings on the site near Washington city, with the addition thereto, now far advanced towards completion, will probably afford accommodation for one hundred and fifty men; a number greater than that which, judging from the past rate of increase, will seek admission into the asylum for many years to come.

The branch which was established, in 1852, at East Pascagoula, Mississippi, has been already discontinued, and the same measure is deemed desirable with regard to that at Harrodsburg, Kentucky. This branch was founded at a heavy charge upon the asylum fund, and is maintained at an expense much exceeding the advantages conferred upon the disabled soldier; but as it was established in consequence of the provisions of law contained in the army appropriation acts of August 31, 1852, section 18, and of March 3, 1853, section 14, the propriety of declaratory legislation in the case is suggested.

I would again call attention to the propriety of additional legislation which shall place the widows and orphans of the officers and soldiers of the army on an equality with those of the officers and sailors of the navy.

I also again invite attention to the necessity of legislative provision for the more prompt settlement of the accounts of disbursing officers, by intrusting to a single accounting officer the audit of the whole, instead of requiring disbursing officers to render accounts to two auditors, as at present. The confusion and embarrassment consequent upon the division of duties, involving injurious delays in final settlement, have heretofore been brought to the attention of Congress, and it is hoped that the evils represented will not be suffered to exist much longer.

Under the appropriation made at the last session for the importation of camels, an officer of the army, and one of the navy, have been directed to proceed to the East to obtain animals of the different breeds most likely to be useful in our climate. By the kindness of the Secretary of the Navy, a storeship destined for the Mediterranean with naval supplies was placed at the disposal of this department, to bring in a

return cargo of camels and dromedaries; and from the last report received from the officer charged with the execution of the commission it is expected that as many of those animals as the vessel will transport will be shipped for the United States in February next. Recent inquiries respecting the use of these animals in the Crimea, confirm me in the belief that they will be found highly valuable in the military service in our country.

For detailed information respecting the Military Academy, I refer to the reports of the Chief Engineer and of the board of visitors, herewith transmitted, which exhibit a satisfactory view of the condition of that institution. I concur in the recommendations of the former, for the establishment of a new professorship, in order that the chaplain may be relieved of the duties of professor of ethics and English studies; for the appointment of an instructor of cavalry; and for the allowance of light artillery pay to the instructor of artillery.

The act of March 16, 1802, requires that the corps of engineers be stationed at West Point, and constitute the Military Academy; and that the principal engineer, and in his absence the next in rank, shall superintend the said academy. By this act the cadets were made part of the corps, and the whole number of officers and cadets was limited to twenty. Under subsequent legislation the number of cadets has been increased nearly thirty-fold; and owing to this extension of the academy, and to the demand for the services of engineers in the field and on permanent works, the affairs of the academy are mainly administered by professors holding no military commissions, and officers detailed from the army generally. Thus the post has long ceased to be exclusively an engineer station as originally contemplated; and the Chief Engineer himself, under the act establishing an engineer bureau in this department, has been stationed at Washington. I therefore recommend such revision of the act in question as will render its provisions consistent with the changes introduced by subsequent legislation, and the necessities of the service.

The seacoast defences have, during the past year, been steadily pressed towards completion, to the extent of the means granted by Congress for that purpose. In no part of our military system is the exercise of wise foresight more necessary than in the prosecution of these works; and I recommend to favorable consideration the remarks of the Chief Engineer upon this subject.

The preparation of the armament for these works is in advance of the construction.

The recommendation heretofore made for an appropriation to commence the fortification of Ship island is renewed. The importance of this work as connected with the defence of the approaches to New Orleans, and the command of the inner channel of communication between the Mississippi river and Mobile harbor, has been augmented both by the increased value of that navigation in time of peace, and by the introduction of light-draught war steamers, which would render this approach still more available for the operations of an enemy, than when, in 1814, it was selected as the line of a hostile descent.

The physical geography of the vast region drained by the Columbia river, indicates that at some day a great city must arise at the point which shall become its commercial entrepôt. Attention has been heretofore called to the necessity of fortifying the entrance to the Columbia river, and I would again commend it to attention and favorable consideration.

For information in regard to the operations of the Ordnance department, I refer to the accompanying report of the Colonel of Ordnance; taking occasion to renew the recommendations I have heretofore made for an appropriation for arsenals in Texas and New Mexico, and on the North Pacific coast in Oregon or Washington Territory, as may be found most advisable; also for a national armory for the fabrication of cannon and projectiles. My views in regard to the expediency of these measures, as heretofore given, remain unchanged; the reasons then advanced in support of the recommendations remain in full force, and are referred to instead of being repeated here.

At the national armories, the manufacture of smooth-bored arms has been brought to a close. New models for all small-arms have been adopted upon the rifle principle, and embracing the improvements described in my last report, and it is expected that the armories will be at work upon the new arms before the close of the year.

In the mean time, the improved ammunition, to which mainly is due the increased range recently obtained by small-arms, has been issued to troops bearing grooved arms, and its use in actual service has fully realized all the advantages that were anticipated.

Among the new models for small-arms is a pistol of increased length of barrel, furnished with an attachment to the stock which may be instantly applied, and which converts it into a carbine. Should this prove as valuable in actual service as the experiments made now indicate, no difference will be needed between the arms and equipments of dragoons and those of light

cavalry; but the whole, armed with this weapon, will be rendered in celerity of movement equal to light cavalry, and in combat as efficient as heavy dragoons. It is thought that this arm will be found also well adapted to the use of sappers and miners, of men working in the trenches, and of light artillery men.

Under provisions made last year for the purchase of breech-loading rifles, many samples of this weapon have been examined, and a number of various patterns purchased and placed in the hands of troops for trial in the field. It is deemed indispensable to subject them to this test before adopting any as a standard weapon.

The distribution of arms to the militia of the several States for the current year has been made according to representation in Congress, as prescribed by the 7th section of the army appropriation act, approved March 3, 1855. In fixing the quota of the District of Columbia and the Territories, which by the act is left to the discretion of the Executive, it was determined that the District and the Territories should receive the quota of States having the least representation in Congress. That provision of the act which required this department to equalize, as far as practicable, the number of arms distributed to the States, was executed by issuing from the United States arsenals to each State and Territory which had received less than 2,000 stand, so many arms as would bring their supply up to that number.

Arrangements have been made to convert arms of the old model issued to the States when desired by them, into rifled arms of the new model, with percussion lock and primer attached—the expense of the alteration to be charged to the States and deducted from their several quotas of the appropriation for the annual supply of arms.

Under the appropriation made at the last session, editions of cavalry and light infantry tactics have been procured for the militia, and are in course of distribution.

At the last session of Congress, an act was passed directing the Secretary of War to cause to be constructed, on a site to be selected by the President of the United States, a suitable building for the care and preservation of the ordnance and arms and accoutrements of the volunteers and militia of the District of Columbia, and for the care and preservation of the military trophies of the revolutionary and other wars, and for the deposite of newly invented and model arms for the military service; for which purpose the sum of $30,000 was appropriated. In the execution of this act, a site was selected, and a plan and

specifications conformable to the means granted prepared, and bids for the work duly invited by public advertisement.

A contract has been entered into, but at so late a period that no progress has been made in the construction of the building.

The work upon the military roads in the Territory of Minnesota has generally made satisfactory progress. Those in Utah, Washington, and Oregon, for which appropriations were made last year, have been completed according to the plans adopted. Those for which appropriations were made at the last session, in Kansas, Nebraska, Washington, Oregon, and New Mexico, have not yet been put under construction. No report has yet been received of the completion of the necessary preliminary surveys.

The survey of the northwestern lakes has been prosecuted with skill and energy. The several parties employed on this work have been almost exclusively engaged, during the past season, in Lakes Michigan and Superior, and the St. Mary's river. A large area has been surveyed, more than a thousand buoys have been located to mark dangerous reefs and shoals, and materials have been gathered for the minute and reliable charts so necessary to the navigation of those inland seas.

The appropriations for river and harbor improvements have, with few exceptions, been exhausted or reduced so low as not to be effective for future operations. Snag and dredge boats are usually built out of appropriations for special works, and when, therefore, the fund is expended, it has been deemed proper to sell such boats, machinery, and materials, and apply the proceeds to the benefit of the work for which the money was appropriated. The rapid deterioriation and constant expense attendant on the preservation of boats, does not permit that they should be kept beyond a short period on the contingency of future appropriations being made. Under these circumstances and for these reasons the snag-boats on the western rivers have been sold, and the amounts drawn for the construction, equipment, and repair of those boats, from the appropriations for the respective rivers, were thus made available for the improvements to which they belonged. And a like course, under like circumstances, will have to be adopted in relation to the dredge-boats on the northern lakes, and coast of the Atlantic and Gulf of Mexico.

Under the authority given in the army appropriation act of August 4, 1854, sec. 5, to use the appropriation for the removal of the Red River raft, in such way as would secure navigation in and around said raft, an examination of the obstructions and surrounding locality was instituted, and a plan adopted to

secure navigation around the greater part of the raft, through Dooley's bayou, and an agent with the necessary machinery is employed in its execution.

Reference is made to the documents accompanying the report from the topographical bureau, for the progress made on the improvement of western rivers and lake harbors, the construction of military roads, and the survey of the Florida canal, and to the report of the Chief Engineer for the work on the Atlantic and Gulf harbors and rivers.

The reports of the officers employed under the appropriations made for explorations and surveys to ascertain the most practicable and economical route for a railroad from the Mississippi river to the Pacific ocean were submitted to Congress on the 27th of February last, with a report from this department, giving a general sketch of the country over which they extended, a recapitulation of their results, and a comparison of their distinguishing characteristics; from which it was concluded that of the routes examined, the most practicable and economical was that of the thirty-second parallel. A report is herewith submitted from the officer in this department charged with the revision of the work of the several parties, and I refer to it for additional information derived from materials collected, on a further examination of them by himself, and the several officers who made the particular surveys, as well as for the results of explorations carried on during the past year.

When the report was made, in February last, many of the maps, drawings, and scientific papers, intended to form part of the report, and which could only be prepared after an elaborate examination of the materials collected, had not been completed for want of time, and it became necessary to substitute hastily prepared drawings and preliminary reports. This was particularly the case with regard to the work on the route of the thirty-fifth parallel. A minute examination of the material collected in that survey has resulted in showing the route more practicable than it was at first represented to be, and in reducing to nearly one-half the original estimates of the officer in charge of the survey, which indeed seemed, when they were submitted, to be extravagant, and were noted in the report from this department as probably excessive.

Another feature of interest developed in the course of the further examination of the work on the route of the thirty-second parallel is, that the Colorado desert, which is traversed by the route for a distance of 133 miles, and which, in the report referred to, was noted as consisting of a soil that needed only

water to render it highly productive, is, in fact, the delta of the Colorado river, and, according to barometric levels, is so much lower than that stream as to be easily irrigated from it. Thus there is every reason to believe 4,500 square miles of soil of great fertility, of which nearly one-half is in our territory, may be brought into cultivation in one unbroken tract along the route.

Under the appropriation made at the last session for the continuation of these surveys and other purposes, three parties have been in the field during the past season.

One of these was directed to make examinations connected with the routes of the 32d and 35th parallels. This survey has greatly improved the aspect of the former route by changing the line for nearly half the distance between the Rio Grande and the Pimas villages on the Gila river from barren ground to cultivable valleys, and entirely avoiding a *jornada* of eighty miles, which occurs in that section; also by the discovery of an eminently practicable route through cultivable country from the plains of Los Angeles, along the coast and through the Salinas valley, to San Francisco. The connexion originally proposed between these points was by way of the valley of San Joaquin and the Great Basin.

The attention of this party was also directed to an examination into the practicability of procuring water along certain parts of the route where it is now deficient. The report shows that it may be obtained by common wells at distances of about twenty miles.

From the result of this exploration, moreover, it appears practicable to obtain, at a small expense, a good wagon road, supplied with water by common wells, from the Rio Grande down the San Pedro and Gila and across the Colorado desert. Such a road would be of great advantage in military operations, would facilitate the transportation of the mail across that country, and relieve emigrants pursuing that route from much of the difficulty and suffering which they now encounter.

A second party was charged with the duty of testing the practicability of procuring water by artesian wells on the Llano Estacado, an arid plain which has been heretofore described as a desert. The experiment has so far demonstrated its practicability as to leave little doubt of its final success; it will be continued, however, until the problem shall have been fully solved.

The examinations into the feasibility of causing subterranean streams to flow upon the surface from artesian wells, though undertaken in connexion with the practicability of a railroad,

if they should prove entirely successful, will have a value beyond their connexion with that object in the reclamation of a region which is now a waste, and its adaptation to the pastoral, and, perhaps, the agricultural uses of man.

The third party was directed to conduct an exploration from the Sacramento to the Columbia river, with a view to ascertain the practicability of a route to connect the valleys of those rivers. The officer in charge has reported the successful completion of the duty, but has not given details. The same officer has been directed to make a reconnaissance of the Sierra Nevada in the vicinity of the head branches of Carson river.

The prosecution of instrumental surveys, accompanied by investigations into many branches of physical science simultaneously over lines of such length, and embracing such an extent of latitude, is a work of greater magnitude than any of the kind hitherto undertaken by any nation; and its results have not only proved commensurate with the amount of work done, but possess a value peculiar to the scale on which it has been conducted, as affording a basis for the determination of some questions of science which no number of smaller and detached explorations could have furnished. Should means be granted pursuant to the estimate in the report referred to, for continuing these explorations, I have every confidence that the expenditure will be well repaid by these contributions to our knowledge of the interior of the country.

The facts developed by these surveys, added to other information which we possess, suggest some considerations of great interest with regard to our territory on the Pacific. They exhibit it as a narrow slope of an average width of less than one hundred and fifty miles of cultivable land, skirting the ocean for a distance of one thousand miles; rich in those mineral productions which are tempting even beyond their value, and which would be most readily turned to the use of an invader; drained by two rivers of wide-spread branches, and with seaports lying so directly upon the ocean that a hostile fleet could commence an attack upon any one of them within a few hours after being descried from land; or, if fortified against attack, so few in number that comparatively few ships would suffice to blockade them.

This territory is not more remote from the principal European States than from those parts of our own country whence it would derive its military supplies, and some of those States have colonies and possessions on the Pacific which would greatly facilitate their operations against it. With these advantages,

and those which the attacking force always has, of choice of time and place, an enemy possessing a considerable military marine could, with comparatively little cost to himself, subject us to enormous expenses, in giving to our Pacific frontier that protection which is the duty of the general government to afford.

In the first years of a war with any great maritime power, the communication by sea could not be relied upon for the transportation of supplies from the Atlantic to the Pacific States. Our naval peace establishment would not furnish adequate convoys for the number of storeships which it would be necessary to employ, and storeships alone laden with supplies could not undertake a voyage of twenty thousand miles, passing numerous neutral ports, where an enemy's armed vessels, even of the smallest size, might lie in wait to intercept them.

The only line of communication, then, would be overland; and by this it would be impracticable, with any means heretofore used, to furnish the amount of supplies required for the defence of the Pacific frontier. At the present prices over the best part of this route the expense of land transportation alone for the annual supplies of provisions, clothing, camp equipage, and ammunition for such an army as it would be necessary to maintain there, would exceed $20,000,000; and to maintain troops and carry on defensive operations under those circumstances, the expense per man would be six times greater than it is now: the land transportation of each field twelve-pounder, with a due supply of ammunition for one year, would cost $2,500; of each 24-pounder and ammunition, $9,000; and of a seacoast gun and ammunition, $12,000. The transportation of ammunition for a year for 1,000 seacoast guns would cost $10,000,000. But the expense of transportation would be vastly increased by a war; and at the rates that were paid on the northern frontier during the last war with Great Britain, the above estimates would be trebled. The time required for the overland journey would be from four to six months. In point of fact, however, supplies for such an army could not be transported across the continent. On the arid and barren belts to be crossed, the limited quantities of water and grass would soon be exhausted by the numerous draught animals required for heavy trains, and over such distances forage could not be carried for their subsistence.

On the other hand, the enemy would send out his supplies at from one-seventh to one-twentieth the above rates, and in less time—perhaps in one-fourth the time—if he should obtain command of the isthmus routes.

Any reliance, therefore, upon furnishing that part of our frontier with means of defence from the Atlantic and interior States, after the commencement of hostilities, would be vain, and the next resource would be to accumulate there such amount of stores and supplies as would suffice during the continuance of the contest, or until we could obtain command of the sea. Assigning but a moderate limit to this period, the expense would be enormous. The fortifications, depots, and storehouses, would necessarily be on the largest scale, and the cost of placing supplies there for five years would amount to nearly one hundred millions of dollars.

In many respects, the cost during peace would be equivalent to that during war. The perishable character of many articles would render it perhaps impracticable to put provisions in depot for such a length of time; and in any case, there would be deterioration amounting to some millions of dollars per year.

These considerations, and others of a strictly military character, cause the department to examine with interest all projects promising the accomplishment of a railroad communication between the navigable waters of the Mississippi and those of the Pacific ocean. As military operations depend in a greater degree upon rapidity and certainty of movement than upon any other circumstance, the introduction of railway transportation has greatly improved the means of defending our Atlantic and inland frontiers; and to give us a sense of security from attack upon the most exposed portion of our territory, it is requisite that the facility of railroad transportation should be extended to the Pacific coast. Were such a road completed, our Pacific coast, instead of being further removed in time, and less accessible to us than to an enemy, would be brought within a few days of easy communication, and the cost of supplying an army there, instead of being many times greater to us than to him, would be about equal. We would be relieved of the necessity of accumulating large supplies on that coast, to waste, perhaps, through long years of peace; and we could feel entire confidence that, let war come when and with whom it may, before a hostile expedition could reach that exposed frontier, an ample force could be placed there to repel any attempt at invasion.

From the results of the surveys authorized by Congress, we derive at least the assurance that the work is practicable; and may dismiss the apprehensions which, previously, we could not but entertain as to the possibility of defending our Pacific territory through a long war with a powerful maritime enemy.

The judgment which may be formed as to the prospect of its

completion, must control our future plans for the military defence of that frontier; and any plan for the purpose which should leave that consideration out of view, would be as imperfect as if it should disregard all those other resources with which commerce and art aid the operations of armies.

Whether we shall depend on private capital and enterprise alone for the early establishment of railroad communication, or shall promote its construction by such aid as the general government may constitutionally give; whether we shall rely on the continuance of peace until the increase of the population and resources of the Pacific States shall render them independent of aid from those of the Atlantic slope and Mississippi valley, or whether we shall adopt the extensive system of defence above referred to, are questions of public policy which belongs to Congress to decide.

Beyond the direct employment of such a road for military purposes, it has other relations to all the great interests of our confederacy, political, commercial, and social, the prosperity of which essentially contributes to the common defence. Of these it is not my purpose to treat, further than to point to the additional resources which it would develop, and the increase of population which must attend upon giving such facility of communication to a country so tempting to enterprise, much of which having most valuable products, is beyond reach of market.

I refer to the reports of the officer in charge of the Capitol and Post Office extensions for detailed information in regard to those works. The progress of the former has been seriously retarded in consequence of deficiency in the supply of marble for the exterior. The work is, however, so far advanced, that the interior finish must now be considered. The original plan and estimate was for a finish similar to that of the main building; but this style would not be a fair sample of the present state of architectural skill, and it is supposed would not fulfil the wish of Congress; it has, therefore, been thought proper to have prepared for inspection specimens of encaustic tiling, instead of brick and sandstone, for the floor; of painting instead of whitewashing for the walls and ceilings: these and other contemplated improvements, not included in the original plan and estimate, may be introduced to a greater or less extent as Congress may provide. Modifications have already been made, such as the introduction of ornamental iron ceilings in the principal rooms, the substitution of iron for wood in the frames for the roofs and the doors and windows of the basement story, an increased thickness of the marble in the walls specially provided for by law,

and a costly and extensive corridor required by the plan, but not contained in the original estimate.

At the last session, Congress adopted a plan and made an appropriation for a new dome to the Capitol. No estimate of the cost of the work had been submitted, nor has any yet been prepared. In fact, at that time only the exterior had been studied, and a sketch made showing the general effect of the whole building as completed. The study of the details has since been entered into, and I refer to the report of the officer in charge for a narrative of his operations, as well as for a full description of the contemplated structure, which promises to be an object of rare architectural beauty. The resources exhibited in the machinery designed to raise the enormous masses of iron composing the dome, and to place them accurately in their elevated positions, reflect the highest credit upon the capacity and skill as an engineer of the officer in charge of the work.

Notwithstanding a very unhealthy season, the work on the aqueduct designed to supply this city with water has been prosecuted successfully, and to the extent of the means appropriated; a large appropriation will be asked, in order to realize the benefits of this great enterprise as early and as economically as possible. Should the appropriation be granted at an early period in the session, the operations can be continuously carried on; but if it should be delayed until the usual period of making the annual appropriations, the spring—the most favorable season for work—will be lost, and the operation be again subjected to interruptions resulting from the autumnal diseases which prevail in the locality.

I have the honor to be, very respectfully, your obedient servant,

JEFF'N DAVIS,
Secretary of War.

THE PRESIDENT OF THE UNITED STATES.

William Barksdale[1] *to Jefferson Davis.*

(From the Library of Congress. Manuscripts Division.)

HO REPT, Dec 8th, 1855.

Col Davis

I will call and confer with you in relation to Cadet Tabors illness this evening or tomorrow.

[1] Barksdale, William (1821-1865), a soldier and political leader, was born in Rutherford County, Tennessee, August 21, 1821; attended Nashville university, studied law in Columbus, Miss., and was admitted to the bar in

On the last ballot Banks had 86 votes, Richardson 73. It is the prevailing opinion that Banks cannot be elected.

Very truly
Wm Barksdale

Jefferson Davis to Winfield Scott.

(From Letter Books Secretary of War Old Records Division War Department.)

WAR DEPARTMENT,
Washington Decr 20 1855

Brevet Lieut. General Winfield Scott,
U. S. Army,
New York City
Sir,

I duly received your letter of September 19′ and referred it to the President, in whose hands it yet remains. You therein informed me that you had not complied with the order directing you to revoke the leave of absence given to General Hitchcock, and announced that additional reasons for the course you had pursued would be communicated in a subsequent letter. When your next letter—that of September 29′—was received, it also was transmitted to the President, and was not returned to this Department until the evening of the 8′ instant; hence the delay in refuting the additional slanders, which, under the cloak of official correspondence, you have uttered against me.

You say I evidently write for the public; I could not misunderstand your threat to make my part of this correspondence a memorable example to be shunned by my successors. It avowed your design to make the correspondence public. Believing you to have entertained, and perhaps still to entertain that purpose, I certainly write not for your eye alone, else I should hardly task myself to state so much of what you already know; but I have desired to state explicitly and fully, for the information of all to whom you may exhibit the correspondence, the positions in which we stand with regard to those matters which you have

1839. He was editor of the Columbus Democrat; served in the Mexican War as quartermaster of the Mississippi volunteers; was a member of the national House of Representatives from March 4, 1853, to January 21, 1861, when he resigned to take command of a regiment of Mississippi volunteers in the Confederate army. He was promoted to the rank of Brigadier-General, August 12, 1862, and was killed in the battle of Gettysburg, July 2, 1863. Barksdale prevented the interference of others with Preston S. Brook's assault on Senator Sumner in the U. S. Senate, May 22, 1856.

made the subject of discussion. My purpose has been and is merely to repel malicious and groundless accusations which you have sought to place upon the public records, and though the redundancy of abusive epithets which characterizes your letters gives both provocation and opportunity for retaliation, I shall leave you in the undisputed possession of a field of which I could not consent to be the victor.

You take exception to the statement I made as to the manner in which your military contribution accounts came to my notice, and you represent me as stating that you had failed to account for moneys when I knew such accounts were in the Department, and in fact after I had myself examined them in your presence. This is an entire misrepresentation. . . . The facts are precisely as stated by me. You were charged on the books of the Treasury with money for which you had failed to account according to law; a report to that effect was, as I stated, made by the Accounting officer, and it was not until after that report, and after my demand based upon it, that you made such an exhibit of the object of your expenditures as enabled me to admit them to your credit. You could at any time within the preceding six years, have had your memoranda and statements of expenditures examined with a view to the settlement of your accounts, and what other reasons could you have had for not doing so than the fear of being called upon to refund the money you had retained as additional compensation to yourself.

You still seek to justify your conduct in awarding to yourself a portion of the moneys captured or raised by contributions levied upon the enemy in Mexico, and you avow that you have always refused to be bound by the Act of Congress in 1849, directing the manner in which such moneys should be accounted for. The doctrine and the deed are worthy of each other. At the head of an army raised and governed according to Acts of Congress, and paid from the public treasury, you claim to use this force as the means of exacting money from the enemy, and to dispose of that money as you please; refusing to be bound by the Act which Congress passed to prescribe the mode of accounting for the money which was raised by the power of the troops.

A position so extraordinary suggests the inquiry; Why refuse to be bound by that law? The claim you preferred rises to answer: because while it provided for the allowance of all the money you had expended, it did not allow you what you had paid to yourself. That payment to yourself, what meanness does it not display? What could have been less consistent with the generosity and magnanimity which should have graced the

first in rank among a band of gallant soldiers? You awarded to yourself the whole per centage on the money paid by the City of Mexico when subjugated by their victorious arms. You say you accounted for the money according to the laws of war—which article of the code gave you all and your brother officers none? You say the contribution was imposed upon the city "in lieu of pillage." Were you, and you alone, entitled to pillage?

But even this exhibition of grasping avarice is not the worst feature in the case; the money saved at the hospital by Dr. Satterlee, the confiscated debt collected by Lieut. Lay; the money captured at Cerro Gordo, the license money collected in the city of Mexico by General Smith—all these items you carried into your own account—and charged commission upon them, thus depriving those officers of their claim to the commission which, if allowed to any one, was due to those who actually collected the money.

You were not indeed entirely deaf to the claims of your brother officers, but you acknowledged them only to an extent sufficient to deprive you of all shadow of excuse for not discharging them in full. With ostentatious generosity you placed in the hands of a committee of distinguished officers the sum of two thousand dollars to be distributed among the families of the officers who had fallen in the recent battles, while you, without the intervention of a committee, put more than thrice that sum into your own pocket—two thousand dollars to all the widows and orphans who had there lost at once husband, father, protector, and estate and six thousand four hundred dollars to yourself!

Not . . . content with the spoil which you had thus gathered, after your return to Washington, you claimed, in the convenient shape of a balance due you, an additional sum of 1400 dollars. This, I said in my letter of the 4′ of December, the Department refused to allow. You take exception to the phrase, and say Mr. Secretary Marcy refused to look into your accounts and vouchers because there was no law authorizing him to do so. But there was a subsequent law, and after its passage you attempted to obtain Mr. Secretary Crawford's attention to the subject in March, and again in November 1849, but failed on both occasions. So you state in your letter of December last; and the non action of the Department, if not under Mr. Marcy at least under Mr. Crawford, was virtually a refusal to allow the claim. This was the claim which you endeavored to settle for yourself when you were Acting Secretary of War *ad interim,*

by drawing the money as an advance from a disbursing officer in this Department. You say you did not receive this money as Acting Secretary of War, and that Captain Clark was not a disbursing officer of the Department. Your defence may go for what it is worth. Captain Clark was on duty in this city, occupying a room in the Quarter Master General's office, in the War Department building. You drew the money from him while you were occupying the position of Secretary of War. Whether you availed yourself of that position to do so is to be inferred from the facts. The next step in this transaction was scarcely less disreputable. Some years further elapsed, and no rebuke had followed your gross violations of right and official delicacy. You seem then, viewing it retrospectively, to have repented of your moderation and determined to grasp for more; so Capt. Clark was again applied to, and, as I was surprised to learn from your letter, he made you a further advance, with which you forthwith made to yourself a third payment.

You again refer to my opposition to the revival of the brevet rank of Lieut General, and to your claim for the pay of that rank as if you considered it a matter of some importance to prove I was opposed to both. The only portion of the charge heretofore made which I was at all concerned to repel was that my opposition was of a partisan character. As I have shown that to be unfounded, and it is not repeated, I might dismiss the subject, but that you recklessly and absurdly charge me with "shirking the question of your claim to compensation as Lieutenant General, in order to divert attention from "secret hostility" to your obtaining that rank.

In my letter of September 7′ my opposition to the allowance was avowed, and you were referred to a paper in your hands for the reasons which led me to the conclusion that no law existed which authorised the allowance of the claim. That question was thus fully met; but if it had not been, I am at a loss to know what any rational man would suppose could induce me to divert attention from my opposition, after I had entered the Cabinet, to the proposed revival of the rank of Lieutenant General—a proposition which I had previously opposed in the most public manner for reasons which I have been at all times ready to avow. How far I may have conversed with Members of Congress on the subject I cannot say, either as to the number of individuals or the number of sessions. The general rule which governs my intercourse with members, assures me that I did not "*exert*" myself to influence legislation on the matter, but whenever I expressed an opinion to any one, in or out of Con-

gress, on the subject of your bill, as you term it—that opinion must have been in opposition to its adoption. I referred you to the published debates that you might there find opinions to which I still adhered; this you affect to believe was an attempt to put you on unconstitutional ground and you find in it a pretext for suggesting falsehood by way of interrogatories as to consultations between the President and a member of his Cabinet, knowing they were of that confidential character which a member of the Cabinet could not disregard, and that you were thus secure in making an insinuation for which you could have no authority.

The only circumstance you mention which could bear any appearance of secrecy is a fiction of your own. It is not true that I did not leave on the records of the Department any trace of the papers with which I accompanied the submission of your claim to the Attorney General. Before the paper was dispatched from the office, the usual press copy was taken, and, according to the invariable practice, was handed to the Chief Clerk, and it was in his possession when, in my absence, you called for a copy, though he could not at once distinguish it among the mass of papers on his files, and he therefore obtained the original from the Attorney General's office to furnish with more promptness the copy you desired. The office copy was, however, I am assured, found before the transcript for you had been completed.

Perhaps it might tend to a clearer understanding of this subject if I state that as, in my opinion, offices should be created, not for the benefit of individuals, but for the public service only, I was consequently opposed to the passage of any Act creating an office or grade for the sole purpose of being bestowed as a personal reward, and on all proper occasions endeavored to prevent the establishment of a precedent, as I thought, anti-republican in its nature, and tending to evil consequences. After you became Lieutenant General by brevet and presented a claim for increased pay, I was opposed to the admission of the claim on the ground that pay was not provided for by law. The question of law I submitted to the Attorney General, and as his judgment upon it has been adopted by the President, that question is decided. With regard, however, to the intentions of Congress in passing the Act, or more correctly, the individual understanding of the members, you challenge reference to "the Senate debate upon my (your) bill February 1851" in which you say "the intention to give increased pay was clearly understood and approved."

Upon reference to that debate, as reported in the Appendix to the Congressional Globe, I find not a sentence to confirm your allegation. In the debate to which you refer, February 12, 1851, seven Senators only made any allusion to pay.

Mr. Clay, who was in favor of the bill, said "honors by military men are ever more highly appreciated than "pay, and when they can be granted with no injury to our country, I think it is one of the cheapest modes in which we can reward them."

Mr. Foote said, "it has been hinted to me that it is expected that large additional pecuniary recompense is hereafter to be provided, in the event that the resolution should pass in its present form. . . . I repeat, that it has been suggested that it is in contemplation to provide by law for a large annual stipend, in addition to the pay of a Major General, for the benefit of a particular military officer, in case we shall adopt this resolution."

Mr. Houston was opposed to the bill; he asked "what are to be the consequences of this brevet that you are creating? Must you not accompany it with all the appendages of a lieutenant General of the British Army? Will a Major General be satisfied if he does not receive additional rations, pay and perquisites when promoted to this brevet rank? Certainly not. He will expect it. Will you give him an idle honor—an expression of public complaisance, when you do not give him the attendant realities concomitant with the rank and consequent upon it"?

Mr. Dawson, of the Military committee which had reported the bill—was in favor of it, and, speaking of the views of the Committee, said, "None of the consequences which have been spoken of were looked to at all. We only looked to the past and the question they honestly propounded was 'What will you do to distinguish this individual who has distinguished himself so much?' " (Not "what will you do to pay this individual who has paid himself so much?").

Mr. Butler was in favor of the bill, he remarked "Several gentlemen have asked, very emphatically, why bestow this peculiar dignity upon General Scott—this gew gaw as it has been called, this mere honor in the form of a resolution? And it has been asked by my friend from Louisiana, what is the use of all this to General Scott? I would ask has there ever been any use in the sprig of laurel bestowed upon the brow of a conquering hero, or a great patriot and general? What is the use of that sprig of laurel? You cannot wear it, you cannot eat it, nor use it; and yet I will venture the remark that a sprig of laurel bestowed upon a triumphant general who has won a reputation,

has been a higher incentive to make generals than all other incentives that could be employed. The sprig of laurel is worth no more than this tribute of historical respect to General Scott."

Mr. Borland was opposed to the bill—he said "We are not to stop here. The rule here prescribed for us to follow, requires, as I said, that we shall adopt the *substance* as well as the mere forms of the example of Great Britain. If we confer these new ranks and titles of distinction because she has done so, then we should also attach to them the same amount of pecuniary compensation which she has attached to them."

Mr. Bradbury was opposed to the bill; he said "It is a mere proposition to create a new office, a new rank, a new grade in the Army so entirely uncalled for that not a single advocate of the measure has maintained its necessity, while men of military experience assure us it will be injurious. We all know what follows the creation of new offices—new claims upon the Treasury."

On the following day occurred an incident which you thus represent in your letter of June 16′ to the Attorney General.

"The resolution was first ordered to be engrossed for a third reading February 12′ 1851. Observing in the National Intelligencer the next morning—I have not the paper within reach—that the Hon. Mr Foote of Mississippi had supported the measure partly on the ground that it would carry no increase of compensation, I instantly addressed him a note to say that I should be sorry to obtain his vote under a misapprehension, and begged to inform him that if the resolution, without amendment became a law it would give a handsome addition to the pay and emoluments of the Major General. He lauded my note highly and I think read it to the Senate just before the question—Shall the resolution pass? As he and other Senators assured me at the time the note changed several votes in my favor."

Now the facts are as shown by the Congressional Globe page 533, that Mr Foote did not read your note to the Senate at all, nor did he mention it until after the question had been put, on the passage of the bill, and after the vote had been taken. He then said that he had received such a note from you, stating that the resolution "would confer some additional pay" (not a handsome addition") but the amount not being "large" he had concluded not to abandon the resolution, and had accordingly voted for it. Not a vote was changed as any one can see by comparing the vote on the engrossment at page 523 and that on the final passage at page 533. That several Senators should have assured you that the note changed several votes in your

favor is not more incomprehensible than that you should have learned the grounds on which Mr. Foote voted, from "the National Intelligencer of the next morning" which makes not the slightest mention of anything Mr. Foote said, did or thought about the bill, except his naked vote in its favor.

Besides the foregoing which bears directly upon the subject of compensation, the whole debate is so full of remarks showing that the sole idea was that of conferring honor, that it would require too much space to extract them. So far from sustaining your allegation that it was understood the bill carried pay, the debate conclusively proves the understanding to have been that you could not get pay without subsequent legislation.

The friends of the bill appear to have supposed that you would be content with honor alone. Its opponents supposed that after you should have obtained the rank, you might come back for pay. Neither side seem to have suspected for a moment that the honor and pay were both in the same bill. And well might they fail to perceive it, as there is no mention in the bill, no allusion, even the remotest, to any increase of pay. It was drawn in terms which seemed to refer to military rank alone, while, in fact they involved an increase of pay; and here, I think, may be detected the same crafty hand that "sketched" the instructions to the Commission of the Cherokee removal. Had the grade of Lieut. General been *created* anew, no pay could have attached without express provision of law. Notwithstanding the confidence you now express in the intentions of Congress, the necessity for express legislation was avoided by changing the word "created" in the original bill to "revived" so as to enable you to claim by construction the pay and allowances which had been attached to that grade when, at a former period, it existed in the Army.

Had the grade of Lieutenant General been revived to be held by ordinary commission, you could not, under any construction, have had back pay, for the pay of such commissions runs only from date of acceptance; hence the advantage of the provision that it should be held "by brevet only"—an advantage which members of Congress could hardly appreciate, for few besides army officers would know, that by the construction given to the law regulating brevet pay, you might be allowed, by virtue of that brevet, to draw additional pay for services long before performed and paid for under another commission.

You defend your course in drawing travelling expenses from the Asylum funds by referring to others who have done the same, and by citing my decision that the transportation of

officers on business of that institution was not payable from the Army Appropriations. The Board of Commissioners for the Asylum audits the accounts of its own members and they do not come under my cognizance. I have never seen any of the accounts which you say have been presented by others, nor have I any reason to believe they have drawn allowances from that fund which they would not have been entitled to draw from the Army appropriations had they been travelling on Army business. One of your accounts I did see on the occasion referred to. The charge far exceeded the expenses of the journey; and must have yielded you a considerable profit; and the circumstances stated in the account would not have entitled you to make such a charge against the Army funds had you been travelling on Army business. If you did draw it from the Asylum fund, which you do not deny, you wrongfully realized an emolument at the expense of the old and crippled soldiers.

When, in your letter of July 30 you spoke of my "beneficiaries and sycophants" you sought to cast a double stain upon those who held positions which might subject them to the suspicion of being the objects of such injurious language, and upon myself as one who would foster such parasites. I answered the charge in the only manner which its character permitted. You named no one—you charged no specific act. I could only challenge comparison between all against whom I could possibly suppose the charge to lie, and yourself, and in doing so I gave you the advantage of referring to a particular passage of your history. When you assume that my remark was based on information derived from the memoirs of General Wilkinson, you show . . . you are aware that the original proceedings of the Court Martial are lost, and, emboldened by that knowledge, you assume the indignation of injured innocence, and declare that you were "fully acquitted by the Court." That is not true; though the original record is lost, a copy in the possession of the Judge Advocate of the Army, of the existence of which you were no doubt ignorant when you ventured that assertion, shows that you were convicted by the Court of withholding money placed in your hands to pay the men of your company; and upon conviction of this and another offence, you were sentenced to be suspended from rank, pay and emoluments for a period of twelve months.

In justification of the extent to which you granted leave of absence to officers, you pretend to state the circumstances of each case. I shall not examine whether the statement be correct, because, if true to the fullest extent, it proves nothing.

No doubt every officer on the list, and many besides, deserve all the indulgence that can be accorded. The only question would be, does the condition of the service warant it?

One case, however, I will notice as you found a charge upon it—that of Colonel Loring, whom, you say, I, from sheer caprice, prevented from visiting Paris after he had obtained leave from you, for the purpose of replacing, by mechanical means, an arm lost in battle. When Col. Loring's application for permission to leave the country was received here, I consulted the Surgeon General, the highest authority in such cases, who reported that the mechanical skill of our own countrymen rendered it unnecessary for Colonel Loring to visit Europe for the purpose indicated. You must have known this when you charged me with acting from sheer caprice.

You return with renewed vigor to the question as to the form in which orders should be issued from this Department. I shall not follow you in this discussion further than to state the question distinctly. You pronounce certain orders of the Department invalid because not issued expressly in the name of the President. To sustain this position you cite many cases in which orders of a similar character have been issued expressly in the name of the President. On my part I have cited still more numerous orders in which the President is not named. The facts adduced by you have no bearing on the question, for although the orders naming the President are valid, it has been abundantly shown that express reference to the President is not an essential. The question you raised was, when first presented, considered as mere trifling or at best an ebullition of improper temper, but for considerations which you seem unable to comprehend or unwilling to acknowledge, it was referred to the President, and his decision has been communicated to you. In reviving the question you exhibit a spirit of contumacious disregard of the orders of the constitutional commander in chief of the Army. Yet, as if wholly unconscious of the gravity of this offence, you proceed to commend your preferred form as evincing "a modest self abnegation—a matter of sentiment, taste—a habit of politeness, courtesy &c. As this may possibly be misunderstood by others, hereafter, as implying that you think I have not "cultivated those adornments of life," I must be permitted to quote the following words from your letter of December 1854. "I am under great obligations to the courtesy, patience and kindness of both the President and the Secretary of War in respect to my Mexican accounts" &c.

Your commendation so far as it applies to myself has the

extrinsic value attached to rarity, and as it can probably never be reproduced, pity 'tis that it should lose so much of its importance by the juxta-position in which it is found with your application for more per centage. You did well to omit from your quotation of familiar scraps of plays, one which hints that "thrift may follow fawning"; it might have suggested to the uninformed that praise thus bestowed upon the Chief Magistrate and a member of his cabinet might be a part of those undefined "representations of beneficiaries and sycophants."

Very respectfully, Yr obt Serv

JEFFN DAVIS

Secretary of War.

Jefferson Davis to W. S. Harney.[1]

(From Letter Books Secretary of War Old Records Division, War Department.)

WAR DEPARTMENT,
Washington Dec 26 1855

Brevet Brigadier General W. S. Harney, U S A
Commanding Sioux Expedition
Fort Pierre, *via* Council Bluffs.
Iowa.
Sir

I have received your despatch of the 10′ ultimo, recapitulating the results of the recent campaign against the Sioux Indians; reporting that, at the urgent solicitation of many influential chiefs, you had summoned deputations from all the bands to meet you in Council the 1st of March next at Fort

[1] Harney, William Selby (1800-1889), an American soldier, was born at Haysborough, Davidson County, Tennessee, August 22, 1800; attended the common schools and Craighead's academy at Haysborough; was commissioned second lieutenant in the First U. S. Infantry, February 13, 1818; rose to the rank of lieutenant colonel of dragoons August 15, 1836, to that of colonel, June 30, 1846, and to that of brigadier general, June 14, 1858. He served in the Black Hawk War; was brevetted colonel, December 7, 1840, for meritorious conduct in expeditions against the Florida Indians; was brevetted brigadier general April 18, 1847, for gallantry at Cerro Gordo. He commanded the Department of Oregon, 1850-1860, and led the United States into a dispute with Great Britain by taking possession of the Island of San Juan, near Vancouver, July 9, 1859. He was assigned to the Department of the West, April, 1861, and was relieved of this command, May 29, 1861. He retired August 1, 1863, and was brevetted Major-General, March 13, 1865, for "long and faithful services." He died in Orlando, Florida, May 9, 1889. General Harney was noted for his success in campaigns against the Indians and for his proposal to hang Brigham Young and his apostles to settle permanently the Mormon question. L. U. Reavis, Life of General Wm. S. Harney, 477 pp., St. Louis.

Pierre, with a view to the termination of hostilities; and submitting for the approbation of the Department the *projèt* of a treaty, to which, in your opinion, the Indians would gladly accede, and which would, at the same time, assure the peace of the frontier and the security of the emigrant routes leading through their country.

The President, ever disposed to treat the Indian with the kindness and forbearance due to a weak and untutored race, when he found it necessary to employ military force against the Sioux to punish their repeated outrages, adopted it as the only measure that could be relied on to stay the hand of violence. As you represent that the several offending bands, broken and dispirited, now implore for peace and throw themselves on the clemency of the Government, the President, encouraged to hope that the desired object has been attained, and anxious to spare the further effusion of blood, authorises you to make a convention or treaty for the restoration of friendly relations with such of the Chiefs and headmen of the respective tribes of the Sioux as may be duly empowered to act with you, on the following basis:

1st That all Indians who have committed murders, or other outrages upon white persons, shall be delivered up for trial to the commander of the nearest military post.

2d That all stolen property of every description in the hands of any Indian, shall be restored to its rightful owner; for which purpose the Chiefs must be responsible that it is taken in, without delay, to the nearest military post, and the Commanding officer's receipt therefor obtained. A description of the manner in which the property was taken from its original owner &c must be left with the Commanding officer to enable him to return it accordingly.

3d The Indians must not obstruct or lurk in the vicinity of roads travelled by the whites, nor in any way molest a traveller through their country; they must, on the contrary, extend protection to all whites found in their country, by permission of the proper authorities, and they are required to deliver at military posts, all offenders of any of their bands, against any of our people or their property. In case any band shall refuse to make this engagement, then all the others shall bind themselves to have no intercourse with them, and to give them no encouragement or assistance whatever.

On their part, the United States will engage,

1st To protect the Sioux from impositions by the whites; and to effect this, all whites found in their country or passing

through it, who may commit any offence against them or their property, may be taken up by them—no greater violence or force being used than may be absolutely necessary—and delivered at the nearest military post, to be proceeded against according to our laws.

2d The Sioux will have their annuities restored to them—these annuities to be always sent to, and distributed from the most convenient military post.

3d On a compliance by the Sioux of the obligations on their part, enumerated in the first and second clauses of the foregoing, all Indian prisoners in our hands, who may not be implicated in any murder, robbery or other high crime against our people, will be set at liberty.

In further efforts to secure the welfare of the Indians, and especially to protect them against extortion in their traffic with the whites, it is contemplated not to permit any traders to live in their country except in the immediate vicinity of some military post where they can be controlled. All such traders will be required to have a regular license, and in case of misconduct, they may be removed from the country by the Commanding Officer of the troops. This, however, need not be a matter of stipulation, as the subject is already under Executive control, but should be stated in Council.

The above embraces, it is believed, all the material points to be secured by a treaty, and will be used as the basis of any negotiations into which you may enter. Circumstances may, however, occur, which, at this distance of time and place, cannot be foreseen, rendering the introduction of other matters expedient; and in such event, the Department must necessarily confide in your discretion and judgment to harmonize your action, as far as practicable, with the views of the President, as made known to you in this communication.

Very respectfully, Your Obt Serv

JEFFN DAVIS

Secretary of War.

Jefferson Davis to Stephen Cocke.

(From Mississippi Department of Archives and History.)

Washington Jan. 6th. '56.

Hon. Stephen Cocke.

My dear friend,

Since my letter to you addressed to Aberdeen I have received yours of the 13th. ultimo and thank you for the kind assurance

it contains of your continued interest in my welfare. It is something, it is much according to my experience to have friendship as true and disinterested as I have ever found yours to be. You must not however understand me as scolding or repining at the hollowness or incertitude of man's heart. I have rather cause to be grateful for the many firm, and generous friends who have stood by me in all the changes of my fortune, and drawn closest when their aid was most needed. Before this reaches you I suppose the Legislature will have elected the Senator.[1] Should the choice fall upon myself it will for special reasons be very gratifying to me, should it be otherwise I shall find full consolation in the cordial support of those whose good opinion I most value, and the satisfaction will remain to me that I have surrendered to the Democracy of Mississippi when they believed they required it, that which under a changed state of circumstances, they were not willing to confer upon me, viz, a seat for a full term in the United States Senate. If this shall be done for the good of our party and its principles, on that shrine I am as ready now to offer up my political prospects as I then was my official position. Some of our friends have warned me that I might anticipate defeat unless I was present when the legislature met; however this may be my course was fixed by the duties of the station I hold here, and its relations to the interests of the South.[2] I know not how much intrigue and importunity may effect, my own estimate of their power is much below that of others who have expressed their opinion upon the subject, and I am quite well aware that I have no capacity, even if I had the will, to make much of such means. I say "if I had the will" because apart from all personal pride my idea of the relations of the Representative to his constituents would not permit me to solicit such discharge of the trust confided to a representative as would place the consideration of my personal interest above that of the public good. This I know is sometimes called impracticable theory, and sometimes attributed to a vain assumption of superiority, but in my own case at least cannot be properly assigned to the latter cause.[3]

The President's message was sent to you under his own frank, and I hope its contents may meet your approval. The opposi-

[1] The contest for United States Senator in the Mississippi legislature of 1856, for the term beginning March 4, 1857, was between Jefferson Davis, then a member of the cabinet of President Pierce and his old opponent Jacob Thompson.

[2] Davis was elected by the legislature and took his seat as a Senator from Mississippi March 4, 1857.

[3] Senator Davis held the idea that the office should seek the man, and he never sought an office during his public career.

tion majority of the house of representatives has not yet been able to organize. The evils which may result from this delay to transact business will I hope be compensated for by the useful lesson it will teach to those who have helped to administer this government by conferring its functions upon men held together by no common principles. The papers will have informed you of the Indian disturbances on our frontiers, we may be said to have now three Indian wars upon our hands and my labors and responsibilities are proportionately increased. The President makers are as busy as usual in the winter which precedes the nomination, and much interest is felt in the action of the Mississippi convention.

It will give me pleasure to hear from you fully and frequently and to attend to anything in which I can serve you.

As ever truly yours

JEFFN. DAVIS.

Jefferson Davis to M. C. Meigs.

(From Philadelphia Inquirer, Dec. 15, 1886.)

War Department,
Washington, Jan. 15, 1856.

Capt. M. C. Meigs, in charge of Capitol extension, Washington city:

Sir: The second photograph of the statue with which it is proposed to crown the dome of the Capitol impresses me most favorably.

Its general grace and power, striking at first view, has grown on me as I studied its details. As to the cap I can only say, without intending to press the objection formerly made, that it seems to me its history renders it inappropriate to a people who were born free and would not be enslaved.

The language of art, like all living tongues, is subject to change; thus the bundle of rods is no longer employed to suggest the function of the Roman Lictor, may lose the symbolic character derived therefrom, and be confined to the single signification drawn from its other source—the fable teaching the instructive lesson that in union there is strength. But the liberty cap has an established origin, in its case, as the badge of the freed slave; and though it should have another emblematic meaning to-day, a recurrence to that origin may give to it in the future the same popular acceptation which it had in the past.

Why should not armed liberty wear a helmet? Her conflict being over, her cause triumphant, as shown by the other emblems

of the statue, the visor would be up so as to permit, as in the photograph, the display of a circle of stars, expressive of endless existence and of heavenly birth. With these remarks, I leave the matter to the judgment of Mr. Crawford, and I need hardly say to you, who know my very high appreciation of him, that I certainly would not venture, on a question of art, to array my opinion against his. Very respectfully, your obedient servant, JEFFERSON DAVIS, Secretary of War.

Jefferson Davis to James Guthrie.

(From Letter Books Secretary of War Old Records Division War Department.)

War Department.

Hon. James Guthrie, Washington January 21, 1856
Secretary of the Treasury
Sir

I herewith enclose a communication from Captain M. C. Meigs, in charge of the Capitol Extension representing difficulties that may arise under the operation of a circular from your Department of the 4' instant, forbidding the payment to employees in the public service of any compensation beyond their fixed salary or per diem. Captain Meigs mentions cases in which the enforcement of this prohibition to the extent indicated by the comprehensiveness of the terms used, will work injury to the public service, and he endeavors to show that in the cases cited, that is, where laborers and mechanics are engaged to work under what is called the ten hour system, payments to them for work performed beyond such hours, are not prohibited by law. I think his view is correct. Although such persons are hired "by the day," this is but a convenient expression to denote a period between sunrise and sunset, and not exceeding ten hours. The contract is not in reality a hiring by the day, but by such period, as is proven by the practice of withholding a proportional amount of an employee's wages, whenever he is absent from work during any portion of the period understood to be required for work by the ten hour system. If the hiring were by the civil day, as the law recognizes no division of a day, no such deduction could be made—the workman would forfeit all or none; or if a deduction were still made it would be in the proportion of the time lost, to the whole twenty four hours, not to the shorter period of ten hours or less. If then it be lawful to withhold part of an employee's wages who works less than the period agreed upon, it can hardly be unlawful to add to the wages of one who works more.

I must add that I think it doubtful whether you meant to include, or whether the terms of your circular do in fact include mechanics and laborers employed under the circumstances stated by Capt. Meigs. The reference to "office hours declared as a matter of convenience" by the Government &c would indicate that you had not in contemplation persons who do not work in offices and whose hours of labor are fixed by contract. As however Capt. Meigs has reason to think the rule may be enforced upon the settlement of his accounts, in rejecting payments made by him to mechanics and laborers, I have to request that you will give such directions as will obviate the difficulties apprehended. Very respectfully Your Ob Serv

JEFFN DAVIS
Secretary of War

Jefferson Davis to J. M. Sandidge.[1]

(From Letter Books Secretary of War Old Records Division War Department.)

War Department
Washington Jany 29. 1856

Hon. J. M. Sandidge,
House of Repˢ.

Dear Sir,

Your letter of the 15′ instant was duly received, and I take pleasure in submitting considerations connected with the projected construction of a rail road to the Pacific.

It has been estimated that the cost of transporting rations, clothing, camp equipage, arms, & ammunition over land from the head of navigation to the Pacific at the rate now paid over the most favorable half of the route, for one year's supply of an army sufficient for the defence of the Pacific coast, would equal, if not exceed, twenty millions dollars, and require from four to six months time. If a rail road to the Pacific were built, the cost would not exceed one sixth of that sum, that is, about three millions dollars, and the time occupied would be reduced to seven days, allowing 300 miles per day. But the present rates of transportation would be largely increased by a state of war and the cost of transportation would be tripled or quadrupled, and amount to from sixty to eighty millions dollars yearly, if indeed, it were at all practicable, from the character of the country, to transport overland sufficient supplies for such an

[1] Sandidge, John Milton (1817-1898), a political leader, was born in Franklin County, Ga., January 7, 1817; removed to Louisiana and became a planter. He was a member of the State House of Representatives, 1846-1855, speaker for two years; delegate to the State constitutional convention in 1852; member of the national House of Representatives from March 4, 1855, to March 3, 1859. He died in Bastrop, La., March 30, 1898.

army. In another view of the subject, by dispensing with the necessity of laying up during peace the means of defending the Pacific frontier, it would save an outlay of nearly one hundred millions dollars, and an annual loss of perishable materials costing millions.

It would be difficult to estimate in money the value of a Pacific rail road and the saving which it would effect in war, or the development it would bring about in peace. In war it would render comparatively easy and economical what without it would be scarcely practicable. It would be too moderate an estimate to say that the yearly saving in transportation of army supplies alone would be at present rate 20,000,000, or at war rates even 80,000,000 dollars. It might greatly exceed the latter sum, vast as it is, and this would be but one *item* in the list of valuable results that would flow from its construction. The bearing which the road would have upon the protection of the Pacific coast, and securing the products of the California mines will be found in detail in the annual report of the War Department of this year. (A copy is enclosed.)

During peace, the cost of transporting troops to the Pacific territories by a rail road, even at prices greatly enhanced over those of rail roads east of the Mississippi river, would be about two thirds of that by the isthmus routes and the time would be less than one third.

The cost of sending troops and supplies to the interior plains and mountains would be but one sixth of what it is now, and the time occupied less than one twentieth.

The overland trade with New Mexico, and through it to the regions south, is estimated at 6,000,000 dollars yearly, for every pound of which 12 cents is paid for the land transportation from the head of navigation to the Rio Grande. By rail road, at double the price charged on rail roads east of the Mississippi, the cost would be two cents per pound. All supplies for the Northern States of Mexico would reach them by this rail road and the wealth in the products of mines that would be developed in those interior regions by rail road sequences would be enormous.

The amount paid for army transportation in time of peace to the interior and the Pacific coast is not so large as to be important in itself (about $1,500,000) but from the settlement of the country, and the change in its productions which the construction of a rail road would bring about, this sum would be gradually diminished and nearly extinguished.

For data respecting these and other similar items, see letter of

Major General Jesup, Quartermaster General of the Army, attached to the report of the War Department, February 27, 1855, upon the explorations &c for a Pacific rail road. House doc. 33d Congress 2d session—Ex. doc 91, and for similar information extended further, see same document pages 99, 100, 101, 102 &c.

The construction of the road would completely break the power of the Indian tribes along the route and for great distances north and south of it, since it would resemble in that respect, though exceeding it in degree the influence of a great river navigable and navigated at all seasons of the year, the commerce along which, as experience shows, finally obliterates all trace of the Indian race. Its location near the Southern frontier would eventually protect it and the northern portion of Mexico effectually from Indian depredations, and relieve us from the necessity of maintaining a chain of military posts to prevent Indian incursions into our settlements, and from our territory into Mexico. It would thus dispense with the services of 5000 men on the Texan frontier and the country on the line of the road that are now maintained there at a yearly expense of 4,000,000 dollars, which, considered as a yearly interest, represents a principal of nearly 70,000,000 dollars.

History teaches that though conquests or peculiar circumstances may for a time unite countries separated by great mountain or sterile regions, yet that no permanent union has been effected between them, and the reason of it is found in the nearly insurmountable barriers that they have heretofore presented to easy and rapid communication between districts so divided.

Between the two great natural divisions of our country, the Atlantic and Pacific slopes, extensive tracts both of sterile and mountain regions intervene such as in the past have formed and marked the divisions of Empire. A Pacific rail road would virtually efface these two great obstacles to a perpetual union.

Very respectfully & truly Yours,
JEFFN DAVIS

Winfield Scott to Jefferson Davis.

(From Letter Books Secretary of War Old Records Division War Department.)

Headquarters of the Army
New York, January 31, 1856.

Sir:

Your long considered rejoinder, dated December 20, to my letter of September 29, shows no improvement in courtesy,

candour or justice compared with your previous letters in this correspondence. Such continued recklessness of character could only proceed from one whose low ambition is flattered with the title of *The Favourite*, & who, relying on the strength of that position (of course, assumed without warrant) has, so far, wounded with impunity the feelings of many of the officers who have, in person or by letter, transacted business with him, & trampled on the rights of scores of others.

Here again you will, no doubt, object to the language of animadversion being applied to the War Department. True, it is unusual, & might have remained unknown, if a Secretary—without any change of manners to harmonize with his elevation—had not been the first to violate the comities of military correspondence. A brief recital will suffice to show that, in the progress of the controversy that followed, he has, by a succession of outrages, merited at my hands the unmitigated rigors of retort, confutation & exposure; & I say (to quiet the alarms of the timid) that there was (& is) nothing in the *rules and articles of* War, or other statute or code, to restrain me from the due administration of justice in the case.

July 12, in the tone of a ruffled master, you began by demanding of me—*not* in the name of the President, according to principle & the better practice of the War Department—why I had granted an ordinary leave of absence to Brigadier General Hitchcock?—an act almost of course, under the circumstances, & entirely within my competency; &, without waiting for an answer, you coupled an argumentative rebuke with the interrogatory. In reply (July 17), after denying your right so to address an officer, except by the expressed authority of the President, & adverting to the courteous mandates of your predecessors, I gave my reasons, for, (as I said) "the information of the President"—adding, I had assumed, for once, that you had written with his knowledge & approbation, altho' you had improperly omitted to say so. Rendered yet more imperious at being convicted of arrogance, you (July 25,) sardonically jeered me with "the exhibition of peevish temper" (no doubt, to hide your own;) & again, of your own plenary & independent authority, ordered me to revoke the leave in question—my reasons for granting it—being "not satisfactory" to you; & you close the letter by wrongfully attributing to me a proposition which you denounce as "too absurd for consideration"! Replying (July 30-31) to that courtly epistle, I said I might easily show it to be "as flippant in its statements & logic" as it was in those offensive passages, & I no longer hesitated to cite, for the

information & reproval of the President, a number of your kindred acts (beginning early in your secretaryship) which, as I believed & said, had made part of a plan deliberately laid down to outrage & oppress me. (Your well understood motives were omitted.) This reply, you honoured with two separate rejoinders: the first (August 2,) I have heretofore characterized as "savage & scurrilous", & probably intended to provoke a duel with an old soldier known to be so lame, in both arms, as to write with difficulty & pain; & the other rejoinder, dated September 7 (more elaborate) abounded in examples of bad temper, bad manners and bad morals, as I think has been fully demonstrated in my reply of September 29. And this brings me to your last rejoinder (December 20) acknowledged at the beginning of this letter.

Doubting whether the President had been more than partially (if at all) made acquainted with the conduct of the War Department which I had endeavoured to lay before him—& the doubt, after long consideration is but little weakened;—& feeling that the hope of approaching him thro' the party in fault, was almost nothing—I hastily glanced at your December letter, and flung it aside in disgust. But reflecting, within a day or two, that you might suddenly throw upon the public the whole or selected parts of this correspondence, including your last batch of innuendos & personalities (mostly repetitions) which, if unanswered, might seem to be admitted—I have determined to stigmatize such of them, as are new, or present an aspect of novelty.

You again bring up the subject of money received & expended by me in Mexico, & say that I was charged at the Treasury, with a balance &c; that "on a report to that effect," you demanded that I should account &c When I at length, as you acknowledge, made such "an exhibit of the object of your (my) expenditures as enabled me (you) to admit them to your (my) credit;" & you proceed to argue that as I might "at any time within the preceding six years, have had your (my) memoranda & statements of expenditures examined with a view to the settlement"—"what other reason could you (I) have had for not doing so than the fear of being called upon to refund the money you (I) had retained as additional compensation"? Now you well knew, when writing that passage, that I had, in 1848, rendered an account, formal & in detail, of every cent of money I had received & expended in the Mexican campaign;—that the Secretary of War, in 1848, declined, tho' urged by me, to look into that account until he could obtain an act of Congress, placing all money levied & received in Mexico on the same footing with

money drawn from the Treasury of the U. States; that when such *ex post facto* act was obtained (March 3, 1849) I refused to acknowledge its authority over my accounts (long previously rendered) inasmuch as it would have cut me off from certain large credits (amounting to nearly $100,000) viz; 1. Sixty-odd thousand dollars for *extra* clothing I had caused to be gratuitously distributed among enlisted men; 2. Some twenty thousand dollars set apart, by me, (& mostly expended) for *extra* hospital comforts, including ten dollars to each wounded man discharged from hospital &c &c—not one of which items could have been admitted to my credit if I had allowed those sums to be considered as *Treasury money.* Until, therefore, I could obtain some assurance in respect to those credits, I ceased, (after the passage of the *ex post facto* act) to *press* for a settlement. And thus, altho' you are hardly entitled to the *benefit of clergy,* I brand this new slander in the hand that penned it.

You again bring up the two sums I received back from Captain Clarke out of a portion of the contribution fund retained in his hands, & which had never been in the Treasury; but as you merely repeat your former misrepresentations on that head, I shall here simply refer to the easy refutation that may be found in my letter to you of September 29.

Your next topic is the lieutenant generalcy—your right to oppose which, with manliness & consistency—before it was authorized by Congress—I certainly have never denied. My first allusion to the subject, (slight & incidental) in this particular correspondence, was in my letter to you of July 30. In that, & in connection with your oppressive orders about General Hitchcock—a highly valuable officer, whom you have forced out of the army—I said:—"To prove my long forbearance;—for, at my time of life, all angry discussions are painful—I will now proceed to enumerate some of the provocations alluded to (kindred wrongs) without dilating, in this place, on your partizan hostility to the brevet of lieutenant general & to the *compensation* that Congress intended to attach thereto."

Half of your first rejoinder (August 2) to that letter, is expended in justifying your public opposition to that rank, in 1850-51, in a committee & on the floor of the Senate, but you risk not a word about the more recent question of pay & emoluments. Hence, in my reply (August 6,) I said—you, "very strangely, suppose me to refer to events that occurred in the Senate;" whereas "my allusion was, entirely, to your course in the War Department, & not to the *rank* only, but also, in terms,

to the *compensation* intended by Congress. On this point (I added) your note (August 2) observes a masterly silence."

The probable solution of that tenderness & obliquity about the pay, & your attempt to divert attention to your old opposition to the *rank,* in 1850-51, is that you were then (August 2) not aware how far I had become acquainted with your recent "partizan hostility" to me. But on the receipt of my letter of September 29, you saw that some of your machinations were unveiled & others more than suspected. In that letter, after several questions which, to you, were pregnant with meaning, I said:—

"I put no interrogatory as to the elaborate and volunteer argument (16 pages) against my claim to pay & emoluments that you addressed to the Attorney General, on referring to him (late in April) the points of law in the case. Some five weeks after its date I obtained, accidentally (about June the 6th) an intimation that such a paper existed; but, on inquiry, at the War office (in your absence) found that you had not left a trace of it on your records. Fortunately, however, I obtained a copy (thro' the Attorney General & acting Secretary of War—no doubt against your wishes & intentions) of the secret disquisition."

In your last letter (December 20) speaking of your conduct in this matter, you say:—"The only circumstance you (I) mention which could bear any appearance of secrecy is a fiction of your (my) own;"—that "the usual press copy was taken;" that it was handed to the chief clerk, & was in his possession when you (I) called for a copy, tho' he could not at once distinguish it among the mass of papers on his files." And you conclude this branch of your defence or accusation, by saying: "The office copy was, however, I am (you are) assured found before the transcript for you (me) had been completed." Now, admitting, in charity, this explanation, & I never, before, heard that "the office copy" had been discovered in the office;—is it not another proof of extreme laxity of morals, that you should charge me with the guilt of "fiction" in this matter? Your substitute & clerks, after search, assured my aide-de-camp that no trace of the paper could be found (June 6) in the War office, & here, at the end of six months, you contradict us all—both them and me! But if an office copy had been left—why had it been hid away instead of being spread (in the preceding thirty-nine days) upon the record books of the Department? Or, if it had not been intended to keep it a secret from me—Why was not a copy honestly sent to me at the time it was communicated

to the Attorney General & when you informed me (April 27) the question of pay was referred to him? And again; if it had not been prompted by "partizan hostility"—Why was the paper written at all? You were not *the law officer of the government,* but addressed him who was; & judging from your attempt at a legal argument, evidently without the least knowledge of law.

There is another scrap of evidence which shows the crooked workings of your mind on this subject: April 26, I courteously asked your attention to the question of pay & emoluments—which had, quite unexpectedly to me—been referred to you—March 8—by the Pay master General. Fifty three days after this reference you say to me, April 28:—"The delay you (I) refer to has not been the result of preference given to other business. The claim was examined in its order." This, if true, was certainly not very flattering. No preference given in the War Department to age, to rank or to the pressing character of subjects! All placed on the same Potters field level! But was the declaration true in any sense? If, in any, it must be that you employed the fifty-three days in writing that learned law argument for the enlighte(n)ment of the Attorney General; but from which you withheld both law & learning—relying blindly, on the weight of your office and recorded hostility! In the same letter—April 28—you tell me: "In regard to the confidence which you (I) express in the legality of the (my) claim, it is proper to apprise you that I have not come to the same conclusion, & hence the necessity of the reference to the Attorney General"; & here, again, (as in the letter of the day before) you suppress all intimation that you had coupled that essay with the reference!

Writing to the Attorney General June 16, from New York, in reply to your famous volunteer argument against me, I wrote:—"Some *external* or historical circumstances may be here adduced (tho' *superflous* in my view) to show the intention of Congress in passing the resolution we are considering—I mean in respect to the revival of pay & emoluments," annexed to the rank of lieutenant general. Writing from memory, & to help him to a reference, I said—tho' "I have not the paper within reach"—that, on seeing a notice of a certain debate in the National Intelligencer of Feb. 13, 1851, I was induced, the same day, to address a note to the Hon. Mr. Foote on the subject which, after lauding, he, "I think," had read to the Senate "just before the question—Shall the resolution pass?—As he & other Senators assured me at the time, the note changed several votes in my

favour. It was, I believe, printed in the debates; but I have no copy at hand."

Catching at straws, you take the pains to tell me, 1. That, "the debate" I referred to, is not in the particular Intelligencer that I named, which reminds me that I ought to have added The Union, The Republic or Baltimore Sun, of the same date—the four papers which I daily saw in Washington; 2. That my note to General Foote was not read or alluded to "just *before,*" but just *after* the question, & 3. That, by comparing the yeas & nays on the same subject, of the day before, with the final division, as given in The Congressional Globe, no change of votes appears. Remarking that I am now, as on June 16, not within reach of one of the named journals, of that date, to correct or confirm my memory—it may be that instead of writing "my note changed several *votes*", I ought to have said it "changed several" *Senators* from opponents to supporters—among them the Hon. General Cass and Hon. Mr. Gwin, as their "votes" on the same resolution, on two subsequent occasions, will show.

So much for your light skirmishing. With the other "external circumstances" amounting to conclusive evidence that Congress intended to give to the brevet lieutenant general "a handsome addition" to the pay &c of a major general—adduced in the same letter—you have not ventured to grapple. But you follow up the bill or resolution in murmurs against Congress—such as:—1. The bill "was drawn, in terms, which seemed to refer to military rank alone, while, *in fact,* they involved an increase of pay." If so, why did you obstinately resist all additional compensation? 2. In those & other matters, you perceive a "crafty hand". Certainly, able lawyers & soldiers, members of the Senate & House, knew how to make the bill meet the wishes of Congress—that is, *technical & effective.* 3. The rank, you say, was not "created anew", because, in that case, "no pay could have attached without express provision of law." Agreed: the voters were aware of it. 4. The "changing the word 'created, in the original bill, to 'revived' "—a capital blunder, fatal to your wishes & subsequent arguments, as the Attorney General has decided; 5. "Had the grade" "been revived" "By ordinary commission", I could not, you complain, have received "back pay." True. 6. "Hence the advantage" of holding it "by brevet only." No doubt, such was the patriotic liberality of Congress.

The following is a brief history of the bill or joint resolution:
In Senate

February 24, 1849, Hon. Mr. Fitzgerald "asked and obtained leave to bring in a joint resolution to confer upon Major General

Winfield Scott the *brevet* rank of lieutenant-general; which was read and passed to a second reading."

July 29, 1850, Hon. Mr. Clemens submitted the following:

"*Resolved* That the Committee on Military Affairs be instructed to inquire into the expediency of conferring by law the *brevet* rank of lieutenant general on Major General *Winfield Scott*, with such additional pay and allowances as may be deemed proper, in consideration of the distinguished services rendered to the republic by that officer during the late war with Mexico."

Eight days later that resolution was referred to the Senate's Military Committee.

On the last day of the session (September 30, 1850) Hon. Jefferson Davis, chairman, reported the following resolution on the same subject:

"*Resolved*, That the President of the United States be and he is hereby requested to refer to an army board of officers, to be designated by him, the following questions, viz;

"Is it expedient or necessary to provide for additional grades of commissioned officers in the army of the United States? and, if so, what grades, in addition to the present organization should be created?"

In pursuance of this request the President of the United States appointed a board of officers—Generals Jesup, (president.) Wool, Gibson, Totten, Talcott, Hitchcock, and Colonel Crane—who reported *unanimously*, in response to Messrs. Clemens & Davis, as follows:

"Under the first inquiry referred to it, the board is of opinion that it *is* expedient to create by law for the army the additional grade of lieutenant general, and that when, in the opinion of the President and Senate, it shall be deemed proper to acknowledge eminent services of officers of the army, and in the mode already provided for in subordinate grades, it is expedient and proper that the grade of lieutenant-general may be conferred by *brevet.*"

December 17, 1850, that report was laid before the Senate, and referred to the Committee on Military Affairs, &c.

January 25, 1851, Hon. Mr. Shields, in opposition to Davis, chairman, reported a joint resolution in conformity with the recommendations of the Military Board, and nearly in its words.

February 13, 1851, the joint resolution passed the Senate by 31 votes to 16, several of its friends (among them the Hon. Mr. Clemens) being absent & Davis opposed.

December 8, 1851, Hon. Mr. Clemens asked and obtained leave to bring in a joint resolution "authorizing the President of the

United States to confer the title of lieutenant general by *brevet* for eminent services; which was read the first & second time by unanimous consent, and referred to the Committee on Military Affairs."

December 7, 1852, (the second day of the new session,) Hon. Mr. Clemens again brought up the same resolution in the Senate, and it passed that body on the 21st, by a vote of 34 to 12.

The same bill or joint resolution passed the Senate the third time December 22, 1853, by 30 to 12; but was laid over in the House of Representatives till February 12, 1855, when, without debate, it passed by a vote of 126 to 65. And the Hon. Mr. Preston says, incidentally, in a letter to me of Novr. 9, 1855—without any enquiry: "The bill would have passed, in *any shape,* which did not give over $50,000. This I know." So the Hon. General Shields, Chairman &c wrote to me, Dec. 22, 1853 the day that the bill finally passed the Senate:—"To avoid any misconception or misapprehension hereafter, I declared, openly, that it would give you (me) additional pay. This met with no objection from any quarter. Those who opposed it, did so protesting that they were all willing to give any sum or any increase of pay which we might propose." The Hon. Mr. Fish's letter to me (another volunteer) dated June 16, 1855, relating to the same vote, strongly corroborates the preceding. Copies of these two letters were given in my argument, addressed to the Attorney General, of the last mentioned date, & has been read by you. And I repeat that any amount of testimony, as to the intention & to the same effect, might be obtained from the members of the last Congress.

In your next paragraph there is a *rehash* of an old topic—*mileage,* connected with the Military Asylum. The refutation in my letter to you of September 29 stands unshaken. Your new garnish of words, is mere drivelling.

Again you bring up, gratuitously & wantonly, with some variations, my Court Martial in 1810, which, like the mileage accounts just noticed, had no possible connection with any subject in discussion between us. Being, however, sorely pressed for the means of defence against legitimate accusations, lying in the direct path of my just complaints, you have caused to be rummaged (a half century back) the records of the Army—they are all within your custody—in search of topics of recrimination, which, tho' nugatory for defence, might, by multiplication and the ringing of changes, cause any reader to lose himself in a boundless tract of words. For this purpose and revenge, the slander, respecting the trial of 1810, was disinterred by your

September letter, which, being refuted, in the same month, is now (December 20) reproduced with variations.

"Who shames a scribbler? Break one cobweb through,
He spins the slight, self pleasing thread anew:
Destroy his fib or sophistry—in vain,
The creature's at his dirty work again."

The Wilkinson charges against me were three. The second, with its specification, was entirely rejected on a flat failure of evidence. The first & third charges were, respectively, in these words:—"Conduct unbecoming an officer and a gentleman," & "ungentlemanly & unofficerlike conduct"—both under the 83d article of War; in substance, the same, and each, always, divisible.

Now it is essential, in order to support the fatal part of such charge that dishonour, baseness, falsehood, dishonesty or some thing equivalent, be established in evidence, and men of chivalry —officers—are always the triers. Whereas, "conduct unbecoming an officer" or "unofficerlike conduct," may show that the man is an indifferent or unsafe officer, if you will, but is no impeachment of moral standing, as such conduct may consist of mere acts of informality, negligence in dress, disrespect to a superior officer, or even rashness in a charge, as at Inkerman. And, in the case under consideration, the Court both negatively and positively acquitted me of *conduct unbecoming a gentleman,* or of *ungentlemanly conduct,* by the special finding—guilty of *unofficer like* conduct only, that is, not guilty of the other part, & sentenced me—not to be dismissed—as would have been imperative under the 83d article of war, in the case of any—of the slightest—moral stain—but to be *suspended* for a twelvemonth; for, in the (seemingly) gravest matter found against me—withholding (publicly) about forty dollars, out of four hundred, for a final settlement, on the arrival of certain documents—the record expressly declares—"*the Court have no hesitation in acquitting the prisoner* (accused) *of all fraudulent intention in detaining the pay of his men,*" and recommended the remission of nine months of Captain Scott's suspension." From which it is perfectly evident that the Court designed the three months' suspension, exclusively, for the unofficer like conduct in speaking disrespectfully of a superior (*not* Commanding) officer.

Such, but less in detail, was substantially, my reply to you of September 29. Now for the variations of the slander in your December letter.

You say that my defence is "not true"; that, "tho' the

original record is lost, a copy in the possession of the Judge Advocate of the Army, of the existence of which you were (I was) no doubt ignorant when you (I) ventured that assertion, shows that you were (I was) convicted'' &c &c.

Astounded to learn that the original document was lost, & that there was a copy, perhaps spurious, or liable, in a change of hands, to be falsified or destroyed—I desired an aide-de-camp to call & obtain for me a copy of the copy. He waited on the Judge Advocate & ascertained that the copy was not in his, but in your hands! I instantly addressed a formal note to the Adjutant General—the former custodian of Courts Martial proceedings—to ask for the history of the missing record in my case; the history of the retained copy & a copy of that copy. On receiving the latter—lo! it was found to be the same with the copy sent to me, by mail, in December 1839 under the certificate of the late Adjutant General, & which I transmitted, with other documents, to Mr. Mansfield of Cincinnati. Any person, about the War Office, may satisfy himself as to the identity of the two papers by taking Mansfield's biographical Sketch of me to the Judge Advocate's Bureau & comparing them. From that Bureau, I have an official statement, dated, Dec. 28, 1855, saying:

''I have no knowledge of what became of the original record of (Captain) Scott's trial in 1810, or of any other original Court Martial record before 1811. None such are now on file here, & only a few before 1813. (The War office & many of its records were burnt by the enemy in 1814.) There are, however here, several volumes of copies of old trials. What purports to be a copy of (Captain) Scott's trial—complete except of the address of the prosecutor & defendant, which are referred to as on file with the original—is in one of these volumes. These copies are not attested by any certificate or signature. I cannot say when, or by whom, this mode of taking copies of Court Martial records was adopted or discontinued.''

Another official statement dated at Washington, Decr. 29, 1855, from Lieutenant Colonel L. Thomas, who personally served in the Adjutant General's office, at Washington, from some time in 1833 to March 1853—except when with Genl. Taylor, in Florida, & with General Butler in the Mexican War—is in these words:—

''Mr. J. L. Addison, a clerk in the adjutant General's office since about June 30, 1830, had, for many years, & up to March 2, 1849—when Major J. F. Lee was appointed Judge Advocate—the special charge of court-Martial proceedings. He (Mr. A—) states that he never saw the original proceedings in (Capt.

Scott's) case, nor has he any recollection of ever making a copy of the proceedings for (General Scott). He further states that if (Genl. S.) were furnished with a copy from the Adjutant General's office (within his, Mr. A.'s time) it could only have been made from the copy in the book—the same referred to in the Judge Advocate's statement above."

Such are the material facts, which were before you, & in respect to which, you, in the December letter, cunningly suppress a most material one, viz; that the original proceedings of *all* Courts Martial, prior to 1811, had long been lost, whereas you, designedly, in that letter gave the impression that the original proceedings, in my case, alone, have mysteriously disappeared! And you add two accusations, worthy of your antecedents: 1. That I knew the original proceedings, in my case, had been lost, inasmuch as I supposed, in my reply of September 29, that you had derived your impressions from *Wilkinson's memoirs* & not the proceedings themselves; whereas I made that supposition because the Memoirs have often been quoted against me, & because I supposed, if you had looked into the proceedings, you would have seen that, as nothing had been proved affecting my honour, any allusion to the trial, after the lapse of more than forty-five years, would have been too great an outrage even for you to commit. (Am I mistaken in supposing that you never saw the proceedings themselves until after writing your rejoinder of September—in which they are referred to,—nor until about to write the rejoinder of December ?) 2. And you also charge, in this connection, that when, in September last, I said the Court acquitted me of all dishonour, I could not have known that any copy of the proceedings against me remained in the War Office! My reply is fourfold: 1. I never knew, until the reception of your December letter, that the original proceedings in my case or in the other cases, had been lost; 2. That my attention, till then, was never called to the fact, if it be a fact, that the copy I obtained, in 1839, was taken from a copy; 3. That I transmitted the copy I had so obtained to Mr. Mansfield for publication, & 4. That the abstract published by him, shows, clearly, it was taken from a paper the same as the one recently sent to me under the signature of the Judge Advocate!!

I have overlooked in the earlier part of your letter the charge against me of "grasping avarice," contrasting the small amount of money I gave to the army in Mexico, with the lion's share I took to myself—6,400 dollars! in the form of per centage or commission-money to the prejudice of a like claim on the part of certain brother officers.

I will despatch the last point first by saying my charge of per centage ought not to have excluded, &, I presume, has not excluded, one such claim.

A passing word on the spoils of War, booty or prize money. According to the scale in our navy & the scale in all foreign armies & navies, my share of prize money, in the Mexican War, would have amounted to, at least, $250,000. Following the British scale alone, it would have been more than that sum. In Wellington's campaigns, beginning in Portugal & terminating in Paris, for every shilling received by a private in his army, a Colonel had 150, the Duke 2000 & intermediates proportionally. The General-in-chief of a republican Greek army was regularly allowed one third of all the spoils.

The whole amount of money captured & collected into my hands, in Mexico, came to, I think, about the round sum of $230,000. (My account current is in the War Office & I have no copy at hand.) Of that money a part was expended in maintaining a native spy company & in secret services; $2,000 were given for the *immediate* relief (until the U. States could regularly pay pensions) of certain army families, known to be destitute; $20,000 were set apart (& mostly expended) for *extra* hospital comforts & to put $10 in the pocket of every wounded man discharged from hospitals; a little more than $63,000 were expended in providing *extra* clothing for the men, & $100,000 were remitted home to serve as a basis for an Army asylum, & is now so invested.

It is in the face of facts like these that you trail, heavily, thro' pages, a homily on the duties of a general-in-chief, mixed, as is your wont, with sardonic jeers & gibes about "grasping avarice", & so forth! Such language may catch "the ears of the groundlings" whom you affect, but will be spurned by all honourable men. And if you are a true leveller, why not bring the fierce principle a little nearer home? In & about the War office there are nine gallant chiefs of military bureaux, & some dozen gallant assistants, who receive, respectively, from a half, down to less than a fifth of your salary. These are the very officers whom you recently contrasted with me, much to my disparagement, & who, certainly, are your superiors in capacity, knowledge, work & character. Why not cast your pay into *hotchpot* with the pay of those assistants?

You back out, awkwardly enough, from *the long leaves of absence*, & I do not care to precipitate the descent into a fall.

In a letter of December 1854, I spoke kindly of courtesies I had received at your hand on a certain occasion, which atten-

tions, I know, were specially commanded by the President. You now, with keen delight, quote that passage upon me, & I might off set the compliment with this quotation:—"You owe it to my bounty, & I scorn to retract" &c. But, I wont; for I felt kindly at the time, & beg to repeat my thanks to the President.

In connection with the foregoing, you quote the familiar saw—"thrift may follow fawning." Fawn upon you! That would be Egyptian idolatry! Look on my letters in this correspondence dated, respectively, July 17 & 30; August 5 & September 29—all written—well knowing my danger—pending these questions:—1. Is there any law now in force giving compensation to the grade of lieutenant general? 2. Shall the rations of the lieutenant general be doubled as in the case of the Major general? 3. Shall he be allowed the forage of a lieutenant general or that of a Major general? 4. Shall he be allowed an increased commutation for quarters, fuel & servants? The first question was referred to the Attorney General & decided in my favour. The second & third, equally resting on the construction of several statutes, with the fourth, you, to be certain of revenge, retained in your own hands & decided each against me; whereas, with any other person as Secretary of War the whole series must have gone in my favour.

I have the honour to be,
&c &c &c &c
WINFIELD SCOTT.

Hon. J. Davis,
Secretary of War.

Jefferson Davis to Cols. Sumner and Cooke.

(From Mississippi Free Trader, March 12, 1856.)

War Department,
Washington, Feb. 15, '56.

Sir: The President, has by proclamation, warned all persons combined for insurrection or invasive aggression against the organized Government of the Territory of Kansas, or associated to resist the due execution of laws therein, to abstain from such revolutionary and lawless proceedings, and has commanded them to disperse and retire peaceably to their respective abodes, on pain of being resisted by his whole constitutional power. If, therefore, the Governor of the Territory, finding the ordinary course of judicial proceedings and the powers vested in United States Marshals inadequate for the suppression of insurrectionary combinations or armed resistance to the execution of the

law, should make requisition upon you to furnish a military force to aid him in the performance of that official duty, you are hereby directed to employ for that purpose such part of your command as may in your judgment consistently be detached from their ordinary duty.

In executing this delicate function of the military power of the United States, you will exercise much caution to avoid, if possible, a collision with even insurgent citizens; and will endeavor to suppress resistance to the laws and the constituted authorities by that moral force which, happily in our country, is ordinarily sufficient to secure respect to the laws of the land and the regularly constituted authorities of the government. You will use a sound discretion as to the moment at which the further employment of the military force may be discontinued, and avail yourself of the first opportunity to return with your command to the more grateful and prouder service of the soldier —that of common defense.

For your guidance in the premises, you are referred to the acts of the 28th of February, 1795, and of March, 1807, (see Military Laws, page 301, and 124) and to the proclamation of the President, a copy of which is herewith transmitted.

Should you need further and more specific instructions, or should, in the progress of events, doubts arise in your mind as to the course which it may be proper for you to pursue, you will communicate directly with this department, stating the points upon which you wish to be informed. Very respectfully,

Your obedient servant,

JEFFERSON DAVIS,
Secretary of War.

Thomas M. Drake to Jefferson Davis.

(New York Historical Society.)

Zanesville, O., Feby 7, /56.

Hon Jefferson Davis,
Dr Sir,

I send you a paper—the Aurora—with a communication of mine on the 1st Ult. of our State Convention on the Slave question, I would like to know your, & also the opinion of sound democrats. Is it not the doctrine? If so, why should not the North take the broad, strong ground at once.

I wrote a letter to Mr. Pierce a short time since. I designed it as complimentary, but within the bounds of truth. Perhaps he did not receive it, as some of our Northern P. M's. are heretics,

and great rascals, when they are suspicious of orthodoxy being the subject. Perhaps my manner gave offence.

There is one thing, which you probably could do for me, as there is no profit connected with the affair.—Appoint me a member of the next Board of Visitors to West Point. Nine years ago I was there, but this would not be an objection I suppose. Having been for a number of years a Prof—of Math.—& Nat. Sci. and Vice President of the Ohio University, there would be sufficient suitableness, as it respects qualifications.

I would be pleased to know, whether the President ever got my letter.—

I was like to forget to congratulate you on your recent election to the U. S. S.

Very respecty—
THOS. M. DRAKE.

William McWillie to Jefferson Davis.[1]

(From the Library of Congress. Manuscripts Division.)

New Orleans, Feby 18th, 1856.

Col. Davis.

My Dear Sir,

Your very kind letter of the 23rd of Decr. last has been but now rec'd—by some mistake it had been addressed to me at Carthage Leake C°.,—and since the time of my leaving home it had been forwarded to me—and enclosed by my son to this place—Permit me to congratulate you on the result of the Senatorial election in our State—this is what ought to have been two years ago—and which would then have been, if your friends had been apprised of the fact that you would have accepted the office. I was in Jackson at the time of the Democratic convention, and when I left for home had no doubt of your election—I have nothing of which to write; but what you see in the papers.

Yours Respectfully
W. MCWILLIE.

[1]McWillie, William, (1795-1869), a political leader, was born of Scotch parentage in Kershaw district, S. C., November 17, 1795; served in the War of 1812 as adjutant in his father's regiment at Haddrell's Point, near Charleston, S. C., 1814-1815; graduated from South Carolina college in 1817, and was admitted to the bar in 1818. He argued the test oath case before the Supreme Court of South Carolina; was president of the bank of Camden 1836-1845; a member of the South Carolina Senate, 1836-1840; removed to Madison, Miss., in 1845; was a member of the national House of Representatives from March 4, 1849, to March 3, 1851; Governor of Mississippi 1858-1860. He died at Kirkwood, Miss. He was a stanch supporter of the Confederacy.

William Anderson to Jefferson Davis.

(From the Library of Congress. Manuscripts Division.)

Washington City, Feby 27, 1856.

Hon Jefferson Davis
Secy of War
My Dear Sir,

The message of the President of yesterday's date is most seasonable & wise. It is founded upon your recommendation which, of course, is of the same character as the message that emanates from it. I have been intending for several days past to recall your attention to several passages of your report of 1854, upon the wisdom of which passing events are pleading in the strongest manner. Witness the threats & boasts of the London Times as quoted in the Baltimore Sun of yesterday morning. These threats & boasts are, of course, not those of the British Ministry; but the Times would not utter them unless it believed it could induce the larger part of the English monarchical & monied aristocracy to credit them—"San Francisco would be, it said, the immediate prize of our Pacific Squadron. From Portland to Charleston, it affirmed every great city would be in ruins by our bombardments." These boasts are not wholly true, as our Defences are not so wholly deficient as that but they are true to a lamentable extent.

Uniformity & rapidity in firing said Napoleon at St. Helena, are the great objects in the actual conflicts of arms—Your recommendations are necessary to the highest effectiveness of these —I have three whole sides more to write if I had time; but have not, under the pressure of business public & private —

I have however, such good news to impart that I must indulge myself with one side more. The last time I wrote you, I informed you of the defeat of the proposition in the Tennessee Legislature to endorse the Memphis Bonds for the railroad between Memphis & Little Rock—But I rejoice to add, it has been reconsidered, & in *combination* with other judicious R. Road improvements has been carried & is the *Law*—I flatter myself that my frequent communications to the leading papers N. West on the Dem. side in favor of the Pacific Railroad, & very abundant quotations from your Reports (last of which I received only about a week since in the Nashville Union & American has not a little contributed to the endorsement of the Memphis bonds, by showing the value & superiority of the route surveyed by the 32d parallel. This Railroad is to Little Rock, which is connected with a R.

Road at Fulton by an act of the Arkansas Legislature—Tennessee is *now* directly connected in interest with the Great Pacific R. R. route. The weight of your authority as presented to the members in my large & various quotations from your Reports, & some arguments which I have myself enlarged upon have, I believe, decided this contest favorably, although by a very close vote.

Enclosed is a copy of the results in the case—Burch fought with skill & energy for the measure and he understands the material interests of the South and altho' I know nothing of his history but by the proceedings of the Legislature—all I have seen convinces me he is a safe & powerful advocate of Southern interests—

My Son remarked this morning that the South would soon go ahead of the North—I said in reply, she is going now about as fast as I wish, only I wish the direction to be more towards the Pacific—But all the great links are forming which will give a very high immediate value to the Road by the 32d parallel as soon as it is finished; and a high value even if it were but half finished.

Most respectfully
Your friend
WM. ANDERSON

[Indorsed: W. Anderson].

Jefferson Davis to Hamilton Fish.[1]

(From Letter Books Secretary of War Old Records Division War Department.)

War Department
February 28. 1856

(Private)

Hon. Hamilton Fish,
U. S. Senate,
Sir

I saw, with some surprise and regret, in this morning's Union your remarks in relation to a Resolution sent to the War De-

[1]Fish, Hamilton, (1808-1893) a political leader, was born in New York, N. Y., August 3, 1808; was graduated at Columbia college in 1827 and admitted to the bar in 1830. In 1842 he was elected a Representative to the U. S. Congress, but was defeated for re-election in 1844. He was Lieutenant-Governor of New York from November, 1847, to January, 1849; Governor of New York, 1849-1850; U. S. Senator, 1851-1857; a commissioner during the Civil War for the relief of Union prisoners; Secretary of State, 1869-1877. Fish was one of the commissioners who negotiated the treaty of

partment for information in relation to the defences of New York harbor. As I cannot suppose you would willingly do me injustice, and as your remarks imply that a sectional preference was given to the defences of the Gulf of Mexico to the injury of New York, you will, I hope, permit me in a private note, to correct, what I desire to believe, an error.

The length of time required to answer a resolution necessarily depends upon the amount of investigation involved. In the case of the defences of the Gulf of Mexico, the problem was a simple one compared to that of New York, both on account of the great amount of work already done at the latter, and the fact that much contrariety of opinion exists among professional men as to the best mode of completing its defenses. When the defences of the Gulf have covered all undeniable positions, some of my successors may have the same difficulty in determining how those defences shall be completed which I now encounter in relation to the defences of New York, and the avenue of approach to it. For your entire information I will also mention the fact that before the resolution in relation to the Gulf defences was passed, I had been requested by the Senator, at whose instance the resolution was adopted, to make the examination to which that resolution referred. The cases, therefore, when presented, were not in the same stage of investigation. No delay intentional or accidental, has occurred and the amount of labor requisite will be best understood when you have an opportunity to read my report.

I have the honor to be
Very respectfully Yr obt Serv
JEFFN DAVIS.

May 8, 1871, with Great Britain providing for arbitration of the "Alabama Claims" and the "San Juan Boundary Dispute". In the same year he presided at the Peace Conference at Washington between Spain and the allied South American Republics. To him, also, was ascribed the satisfactory settlement of the "Virginius Affair" between the United States and Spain in 1873. He died at Glen-Clyffe, near Garrison, N. Y., September 7, 1893 Consult A. E. Corning, Hamilton Fish, 108 pp., New York, 1918.

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